

NATIVE ADVERTISING & SOCIAL INFLUENCERS

NOVEMBER 9, 2017

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Division of Advertising Practices
Federal Trade Commission



Disclaimer

- My comments reflect my own views and do not necessarily reflect the views of the Commission or any individual Commissioner.

Background on the Endorsement & Testimonial Guides

- The Commission's Endorsement & Testimonial Guides became effective December 1, 2009.
- The Guides apply to endorsements made in social media.

What is an Endorsement?

- An endorsement means any advertising message that consumers are likely to believe reflects the opinions, beliefs, findings, or experiences of a person or organization other than the sponsoring advertiser.
- An endorsement can include: 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.
 - Tagging is an endorsement.

Endorsements

- An endorsement must reflect the honest opinions, findings, beliefs, or experience of the endorser.
- An endorsement may not convey any express or implied representation that would be deceptive if made directly by the advertiser.
- 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.
- Endorsers also may be liable for false or misleading statements made in the course of their endorsements.

Material Connections Between Advertisers & Endorsers

- Consumers have a right to know when they are viewing content that is intended to create an interest in buying a product or service if there is a material relationship between the person providing the content and the person selling the product.
- An unexpected relationship between an endorser and an advertiser that could affect the credibility of the endorsement from the perspective of the viewer must be disclosed.
- Examples of such connections include:
 - Seller is compensating endorser;
 - Endorser is an employee or business associate of seller;
 - Endorser is related to seller;
 - Endorser is entered in sweepstakes;
 - Endorser gets free products.

Celebrity Endorsers

- In conventional ads, it's not necessary for an ad to disclose that a celebrity is being paid, because in that context payment would be understood.
- Outside of conventional ads (on talk shows, social networking sites): the relationship with the advertiser should be disclosed when a celebrity talks up a product because payment isn't obvious in that context.

Tips for Marketers

- Advertiser should ensure its “influencers” receive guidance/training about need to ensure statements are truthful/substantiated; and
- Advertiser should monitor “influencers” and take steps to halt continued publication of deceptive claims when discovered.

Clear and Conspicuous Disclosures

Does the disclosure stand out?

Is it near the focal point?

Is it understandable?

Tips on Disclosures

- Use clear and unambiguous language.
- Place disclosures as close to the focal point as possible.
- Use a font and color that's easy to read.
- Use a shade that standouts against the background.
- Video ads – insure that disclosure is on the screen long enough to be noticed, read, and understood.
- Audio disclosures – read at a cadence that's easy for consumers to follow and in words consumers can understand.

@Tweets and other #space-constrained ads

- Even in space-constrained ads, required disclosures must still be clear and conspicuous.
- For example, if a tweet is paid for, it can start with “Ad:” or “#ad” to inform consumers that they’re seeing an ad.
- #sponsored, #promotion may also be appropriate and effective (but not cryptic abbreviations like #spon or #sp).

What Should the Disclosure Say?

- No mandated language.
- Ad, Advertisement, Paid Advertisement, Sponsored Advertising Content, are all good.
- Promoted or Promoted Stories may be ambiguous.
- Presented by, Brought to You by, Promoted by may not be clear.
- Sponsored (influencers).

Clear & Conspicuous Summary

- Disclosures should be ***unambiguous***.
 - Don't use industry jargon, words or phrases that are ambiguous or unfamiliar, unfamiliar icons or abbreviations; and don't rely simply on a company logo or brand name.
- Disclosures should be placed ***where*** consumers will look, in the advertising message to which they relate.
- They should ***stand out*** so consumers will notice and read (or hear) them.
 - In font size and colors consumers can easily read on screen.

The **Do's** and **Don'ts** for Social Media Influencers

FTC RECOMMENDATIONS	PRACTICES TO AVOID
 <p>Clearly DISCLOSE when you have a financial or family relationship with a brand</p>	 <p>DON'T ASSUME followers know about all your brand relationships</p>
 <p>Ensure your sponsorship disclosure is HARD TO MISS</p>	 <p>Don't assume disclosures BUILT INTO social media platforms are sufficient</p>

 <p>Treat sponsored tags, including tags in pictures, LIKE ANY OTHER endorsement</p>	 <p>Don't use AMBIGUOUS DISCLOSURES like "Thanks," #collab, #sp, #spon, or #ambassador</p>
 <p>On image-only platforms like Snapchat, SUPERIMPOSE DISCLOSURES over the images</p>	 <p>Don't rely on disclosures that people will see only if they CLICK "MORE"</p>

Source: Federal Trade Commission



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 @akrzesewski heeeee guiltyyyy

kat_hamilton @laneborgida

4vrmygrlz I need this 🐾

mapy0110 Me too! 🐾🐾🐾

tammycruz47 Cute shoes

♡ Add a comment...



https://www.ftc.gov/system/files/attachments/frequently-requested-records/1b-20... FTC ftc.gov

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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 pumpnickel swirl bread...Where did you get it?

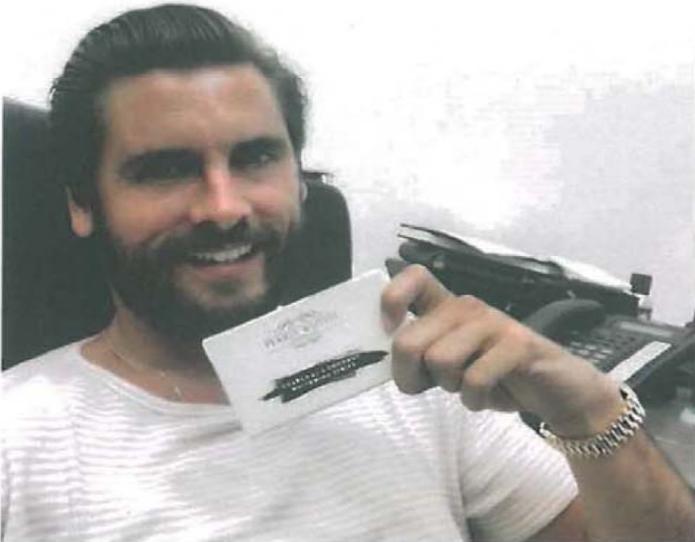
Log in to like or comment

3:48 PM 7/6/2017

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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 679 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 🐼

cuuhalkannoli Don'T SMlI F ΔGΔIN

❤️ Add a comment...

3:51 PM 7/6/2017

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kristincavallari Follow

8,140 likes 4:1

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

view all 14 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 @mar_hanley looooooook for her

Jessica_aasomll H

hollypie05 @sheennn that oribe tho

lydia_jorraine YOU'RE IN AUSTIN!?!? 🤔

whatsmineinthisworld Can someone pls tell what the pencil is?

♥ Add a comment... 6/2

4:05 PM 7/6/2017

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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 #ffpartner

[View all 75 comments](#)

nessapngliinan 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

4:08 PM 7/6/2017

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Drye**

Lord & Taylor (2016)

- www.ftc.gov/news-events/press-releases/2016/03/lord-taylor-settles-ftc-charges-it-deceived-consumers-through
- Lord & Taylor's campaign promoted their Design Lab collection (March 2015).
- Native advertising & Influencer campaign on Instagram.

- Lord & Taylor contracted Nylon, an online fashion magazine, run an article and post a photo of the paisley dress on Nylon's Instagram page.
- Lord & Taylor reviewed and approved the paid-for Nylon article.
- Lord & Taylor reviewed and approved the paid-for post.

#NYLON shop



FROM OUR FASHION CLOSET TO YOURS

SHOP NOW >>



this season's must-have line

lord & taylor's design lab

by: nylon — march 31 2015

#NYLON shop



more nylon

prev rihanna finally speaks out about dating leonardo dicaprio



next stop what you're doing and watch the new 'mad max' trailer



view gallery

photo via @akeyrodging instagram



from our friends



Bobbi Kristina Brown



9 Must-Know Tips For

Every season, there's one collection that you see everywhere—and yet, instead of getting sick of it, you lust after it until one day, you finally cave in and get it for yourself. This time around, we're taking out the guess work and introducing you to spring's must-have line: **Lord & Taylor's Design Lab**. You've probably already seen the new contemporary line's asymmetric bandana dress everywhere—from Instagram to your favorite blogs to the streets. But **Design Lab** is filled with many more amazing statement pieces, like festival-ready lazer cut tanks and fringed kimonos.

Click through the gallery to see how your favorite bloggers style their **Design Lab** pieces.

Kelley Drye

- Lord & Taylor also recruited a team of 50 fashion influencers.
- Paid them between \$1,000 and \$4,000 to post photos of themselves in the dress on Instagram on one specified weekend in March 2015.
- Coordinated with Nylon postings.
- No disclosures.



 **wendyslookbook** [Follow](#)
3 weeks ago
Pairing a cropped trench with
spring awakening! Pairing a cropped trench with
a handkerchief-hem dress. Really enjoy seeing how others styled
this vibrant piece!

 [lesfiesue](#) [tenun_ruseni.prince](#) [se_malgres_elle](#) and
123k others like this.

 [hafizahadee](#)
I want that shoes 1
Mthatsotee
Im AWESOME~
[wendysundari](#)
i! like like store

 [nafiskeron.com](#)
[wendyslookbook](#) it was such a pleasure to meet you
today Wendy you are pure gem lets stay connected .

11 [fashionfinity12_](#)
I post many outfits and design handbags pics !!

.Ja [sabhe_says](#)
Is not that exclusive. I have seen about a dozen
people style it on Instagram and many more when I
looked at the hash tag_

- L&T is prohibited from falsely claiming that an endorser is an independent user or ordinary consumer.
- Material connections must be disclosed.
- L&T is prohibited from falsely claiming that a statement or opinion from an independent or objective publisher or source.
- L&T must monitor its influencers.

CSGO Lotto

FTC alleged:

- Owners endorsed online gaming service CSGO Lotto without disclosing they owned company.
- Paid other well-known influencers thousands of dollars to promote the site on YouTube, Twitch, Twitter, and Facebook, without requiring them to disclose the payments in their social media posts.



TmarTn ✓

@TmarTn

 Follow



Made \$13k in about 5 minutes on CSGO betting. Absolutely insane. Reactions here 😂: youtu.be/_V-dS74WJTw

RETWEETS

109

LIKES

915



9:56 PM - 6 Mar 2016

 45

 109

 915

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Thomas 
@ProSyndicate

 Follow



CRAZY 6 KNIFE WIN!!! (CS:GO Betting):
youtu.be/I7qUo330J0M?a via @YouTube



CRAZY 6 KNIFE WIN!!! (CS:GO Betting)

OUR LUCK HAS CHANGED!!! 2016 IS THE YEAR OF THE KNIFE! Site Used ► CSGO Lotto: <https://csgolotto.com> Big thanks to Flux Pavilion for letting me use his music...

[youtube.com](https://youtu.be/I7qUo330J0M?a)

RETWEETS
88

LIKES
639



8:40 PM - 2 Jan 2016

 17

 88

 639

**Kelley
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- First case against individual influencers.
- 5.7 million views.
- Influencers paid \$2,500 - \$55,000.
- Prohibited from saying anything negative.

Other recent cases of note

- Deutsch LA
 - FTC alleged that, in connection to an advertising campaign featuring the capabilities of Sony Vita, Deutsch account executive e-mailed employees, encouraging them to tweet about the new product using #game changer. Employees who **had not used the product**, tweeted about it; failed to instruct employees to disclose connection to Sony.
- Machinima
 - FTC alleged that, at request of Microsoft's agency Starcom, Machinima hired "Influencers" (video bloggers) to produce and upload videos promoting the Xbox One system and several Xbox games; designed to create buzz about the launch.
 - Machinima paid a few Influencers \$15K and \$30K to produce and upload the videos and a larger group of Influencers within its network \$1 for each 1,000 views generated up to \$25K.
 - Machinima "allegedly" did not require the "Influencers" to disclose that they had not been paid and some Influencers did not make the disclosures in their videos.
- Trampoline Safety of America
 - FTC alleged that trampoline sellers' ads featured logos of phony independent trampoline review organizations they owned; owner also posted positive online reviews posing as independent purchaser.

Recent questions of interest

- Do I need to disclose on my Facebook post that my blog post has affiliate links? Or is disclosure on the blog enough?
 - Does the Facebook post itself contain an affiliate or otherwise make an endorsement? Disclose.
 - Does the blog post look like regular content, when in fact it was created at the behest of an advertiser? Disclose.
 - Are you simply adding an affiliate link in order to monetize editorial or entertainment content? No disclosure on the Facebook post required.

- How should influencers disclose free or paid promotions if they are live streaming? What about at the beginning and end? If not, how often should a disclosure be presented? For a written disclosure on a stream, would an overlaid image saying “Sponsored Content,” or “Free game key provided” be enough for that?
 - Can viewers tune in any time? Disclosures at the beginning and end wouldn’t be good enough.
 - ◆ If an overlaid disclosure isn’t continuous, it would be best to also have audio disclosures.
 - ◆ “Sponsored Content,” or “Free game key provided” are fairly clear disclosures, but the latter wouldn’t be ok if you were also paid.

- What is the proper way to disclose an affiliate link on social media? What disclosure do you advise we use for affiliate links since we're not necessarily getting paid?
 - "I get paid if you buy here:" should work.
 - "Paid link:" right before the link or "(paid link)" right after the link might/should also work.
 - Probably not "affiliate link."

- If a company sends a blogger, streamer, or other influencer something for free without an express requirement to post about it in social media, does he or she need to disclose anything when they tag or otherwise post about it? Do they need to call it an ad? Is #gifted an acceptable disclosure in these cases?
 - It doesn't matter that you aren't required to post. Disclose.
 - #gifted is very ambiguous.

- What about travel? Is #hosted clear enough if no money has changed hands?
 - Free travel is a material connection.
 - #hosted is very ambiguous.
 - How about “XYZ Resort paid for my trip” or “Thanks to XYZ Resort for the free trip”?

- If an influencer is being paid to talk about a product but also receives commission for purchases made through affiliate links on his/her site is it sufficient to just say “this post is sponsored by (Brand)” or is an affiliate link disclosure necessary as well?
 - Are the affiliate links all for the identified brand sponsor? If so, then there doesn't appear to be any need to disclose anything additional.
 - If some of the links are unrelated to the brand sponsor, the disclosure would not inform readers/followers of the affiliate nature of those links.

Resources

- Dot Com Disclosures: Information About Online Disclosures
 - <http://business.ftc.gov/documents/bus41-dot-com-disclosures-information-about-online-advertising>
- Guides Concerning the Use of Endorsements and Testimonials in Advertising
 - <http://www.ftc.gov/os/2009/10/091005revisedendorsementguides.pdf>
- The Revised Endorsement Guides: What People Are Asking (FAQs)
 - <http://business.ftc.gov/documents/bus71-ftcs-revised-endorsement-guideswhat-people-are-asking>
- endorsements@ftc.gov

NAD SOCIAL INFLUENCER ENFORCEMENT



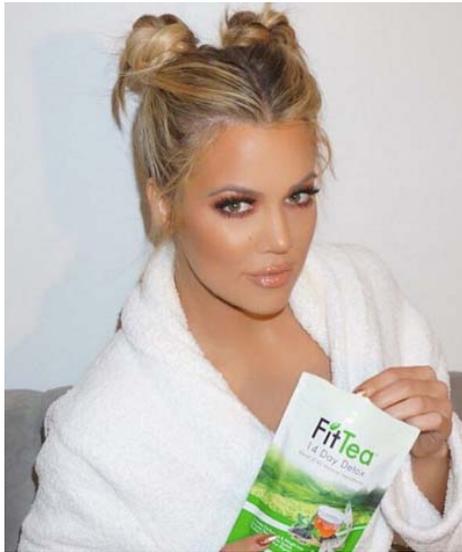
NAD & Social Influencers

- NAD believes that consumers will likely weigh an opinion differently whether it is a paid endorsement or an honest opinion
- Therefore, payment for an endorsement is material and should be disclosed



Kardashians and Fit Tea

- Kardashian sisters post on social media about Fit Tea

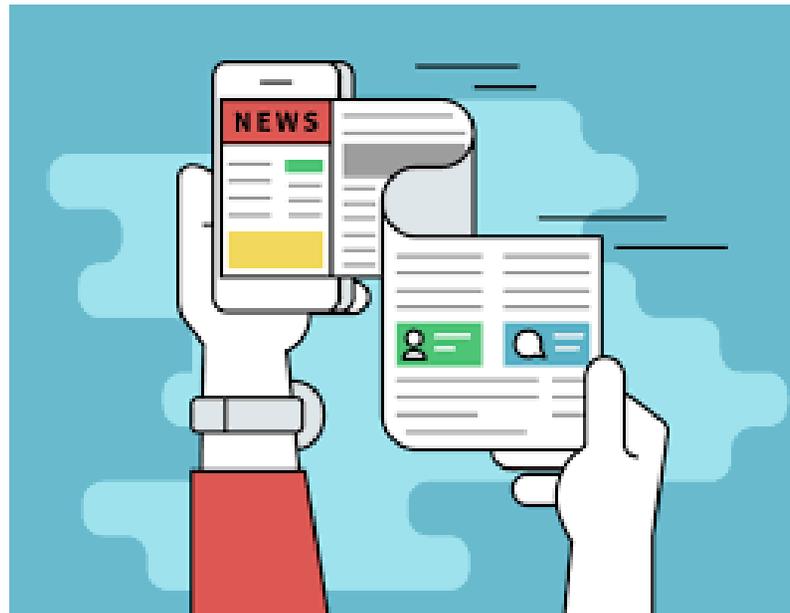


NATIVE ADVERTISING



Native Advertising

- Online advertising takes many forms
- Advertising that is made to look like regular content on a specific medium is native advertising



Forbes ▾

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 Insiders' Guide To Getting Rich

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INVESTING 4/29/2014 @ 10:27AM | 1,544 views

Should You Accept Your Employer's Pension Buyout Offer?

 Fidelity Viewpoints Team · Fidelity

Faced with mounting pension costs and greater volatility, companies are increasingly offering their current and former employees a critical choice: Take a lump sum now or hold on to their pension.

“Companies are offering these buyouts as a way to shrink the size of their pension plans, which ultimately reduces the impact of that pension plan on the company’s financials,” says John Beck, senior vice president for benefits consulting at Fidelity Investments. “From an employee’s perspective, the decision comes down to a trade-off between an income stream and a pile of money that’s made available to them today.”



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Miley Cyrus, Kanye West Among This Year's Major Grammy Snubs



Let The Games Begin



'Orange Is T Grammy No

PRESENTED BY NETFLIX

Places Nobody Wants To Be On Thanksgiving

Posted: 11/23/2013 8:40 am EST | Updated: 11/23/2013 9:12 am EST

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RECENT NEWS

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Anthropologists Classify 43 New Species Of Weirdo Within Subway Ecosystem

New Department Of Agriculture Study Finds 85% Of U.S. Farmers Woefully Kicking At Dirt

RECENT VIDEOS



Pigeon Wishes Just Once It Could Complete Head Movement Smoothly

Last-Ditch Dating Website Simply Asks Users To Check 'Yes' If They Have Open Sores



SPONSORED POST - H&R Block - 04/03/2014



I hereby approve this commercial endeavor as fit for publication in The Onion newspaper. May the ox of journalism always be yoked to the cart of commerce.

Yours in avarice,
T. Herman Zweibel
Publisher Emeritus, The Onion

Woman Going To Take Quick Break After Filling Out Name, Address On Tax Forms



61



40



0

RUSHLAND, PA—After chipping away at her 2013 income tax return Thursday evening by entering her full name and current address into the appropriate boxes, Christine Brooks, 26, announced her intention to take a quick break. "I hate to stop the momentum I've built up since I started sinking my teeth into this 1040, but it's important to clear your head from time to time so you don't end up making any careless mistakes," said Brooks while attempting to unwind

NAD NATIVE ADVERTISING ENFORCEMENT



Joyus in *People* Magazine

- May 2016, NAD Case #5956
- Joyus showcases new products in video segments and allows people to purchase them through the videos
- “Stuff We Love” is a section in *People* magazine online that uses Joyus videos to promote products

Peoplestyle | **STUFF WE LOVE**

WATCH: This Mask Fits Every Face Shape (and Won't Budge!)

JOYUS Register now to get
10% off + Free shipping on orders over \$50



Joyus in *People* Magazine

- NAD claimed that consumers were not able to tell that the videos were promoting the sale of products **before** viewing them



Link to purchase the item featured in the video

SlimFast in *Star* Magazine



- December 2016, NAD Case #6039
- *Star* Magazine cover and article promoted SlimFast
- Both were designed to look like an editorial
- Article was entitled: "Snack Your Way to Slim"
- Content was actually advertising for SlimFast

SlimFast in *Star* Magazine

- NAD says that third parties who market a product are held to the same standard as the advertiser itself
- *Star* and SlimFast voluntarily discontinued the ads in response to the NAD inquiry

Snack Your Way TO SLIM ALL THREE OF THESE WOMEN MET THEIR WEIGHT LOSS GOALS THE EASY WAY — BY PICKING A PLAN THAT WORKS AND GIVING IN TO THEIR CRAVINGS!

NOT too long ago, Roslyn Campbell, Danielle Sydnor and Joann Rice had all reached a point in their lives where they were excited about the opportunity to look and feel better. And look at them now! They're the latest spokesmodels for SlimFast. All three shared their weight loss stories with *Star*: a journey they took by following SlimFast's simple and proven plan: two meal replacement shakes, one healthy meal per day and three indulgent 100-calorie snacks to satisfy cravings, allowing you to eat delicious cookies, candies and chips without breaking the plan. "All I had to do was take my shake and snacks with me everywhere I went," says Roslyn, who substituted her burrito in a slice small dress. "When I wanted sweets, I had my S'mores Delected Crisps, which are my favorite!"

Roslyn Campbell, 43
"I love what SlimFast did for me and still can't believe I got my body back. It's like meeting the woman I used to be!"
LOST 53 lbs.!

Danielle Sydnor, 31
"Working as a registered nurse in the emergency department can make it quite difficult to eat during my shift... with SlimFast, it's convenient to have the snacks and shakes in hand!"
LOST 25 lbs.!

Joann Rice, 24
"The SlimFast plan has shown me that with planning and dedication, anything is possible. It's an easy plan that works, and I'm having a blast with the new me."
LOST 40 lbs.!

Danielle and Joann followed the SlimFast Plan for 36 weeks, and Roslyn for 38 weeks.

THE SUPERFAST SLIM-DOWN SECRET!
Available at Walmart and all major retailers, or visit slimfast.com

SEC & FINRA ENFORCEMENT



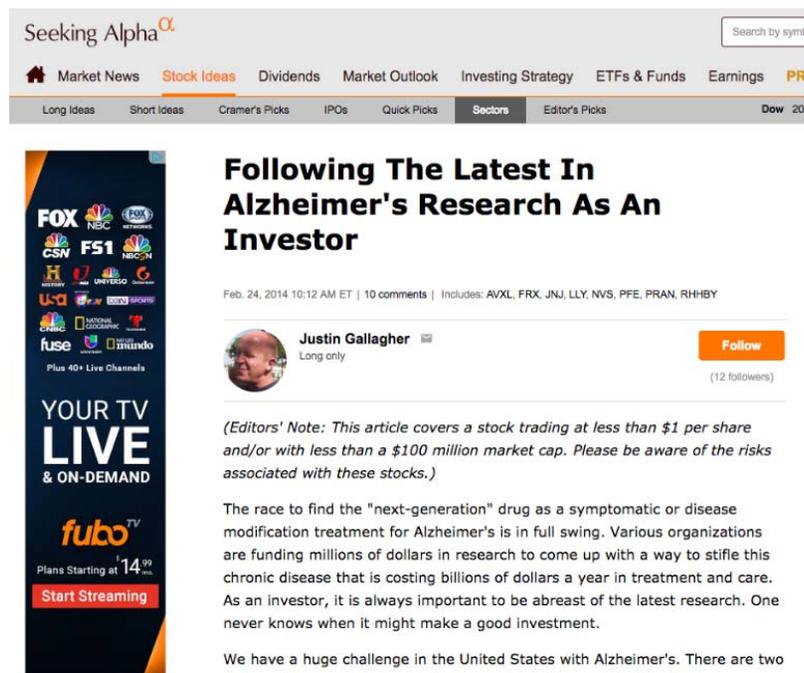
SEC & Native Advertising

- SEC brought enforcement actions against 27 firms and individuals for fraudulent promotion of stocks in April of this year



Paid-For Investment Advice

- Article on an investment research site suggested investing in a pharmaceutical product



The screenshot shows the Seeking Alpha website interface. At the top, there is a search bar and navigation tabs for Market News, Stock Ideas, Dividends, Market Outlook, Investing Strategy, ETFs & Funds, Earnings, and PR. Below this is a secondary navigation bar with options like Long Ideas, Short Ideas, Cramer's Picks, IPOs, Quick Picks, Sectors, Editor's Picks, and Dow 20. The main content area features a vertical banner for FOX TV channels (FOX, FOX NEWS, FOX BUSINESS, FOX SPORTS, FOX SOCCER) and fuboTV, with the text 'YOUR TV LIVE & ON-DEMAND' and 'Plans Starting at \$14.99 per month. Start Streaming'. To the right of the banner is the article header: 'Following The Latest In Alzheimer's Research As An Investor' by Justin Gallagher, dated Feb. 24, 2014. The article includes an editor's note and a main body of text discussing Alzheimer's research and investment opportunities.

Following The Latest In Alzheimer's Research As An Investor

Feb. 24, 2014 10:12 AM ET | 10 comments | Includes: AVXL, FRX, JNJ, LLY, NVS, PFE, PRAN, RHHBY

Justin Gallagher
Long only
(12 followers)

(Editors' Note: This article covers a stock trading at less than \$1 per share and/or with less than a \$100 million market cap. Please be aware of the risks associated with these stocks.)

The race to find the "next-generation" drug as a symptomatic or disease modification treatment for Alzheimer's is in full swing. Various organizations are funding millions of dollars in research to come up with a way to stifle this chronic disease that is costing billions of dollars a year in treatment and care. As an investor, it is always important to be abreast of the latest research. One never knows when it might make a good investment.

We have a huge challenge in the United States with Alzheimer's. There are two factors that contribute to the increase of this disease. The first is the advancement of medicine as a whole. Diseases that had been terminal in the past, like HIV, are no longer terminal but now have become "chronic" in nature. This leads to longer life. Secondly, since Alzheimer's is a chronic condition that correlates with the older population, the baby boomers in the United States are now entering their golden years. Between the two, people are living longer. An older population also increases the probability that Alzheimer's will continue to increase naturally.

What is happening in Alzheimer's?

**Kelley
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FINRA & New Technology

- FINRA has recently provided guidance about native advertising



ASA ENFORCEMENT



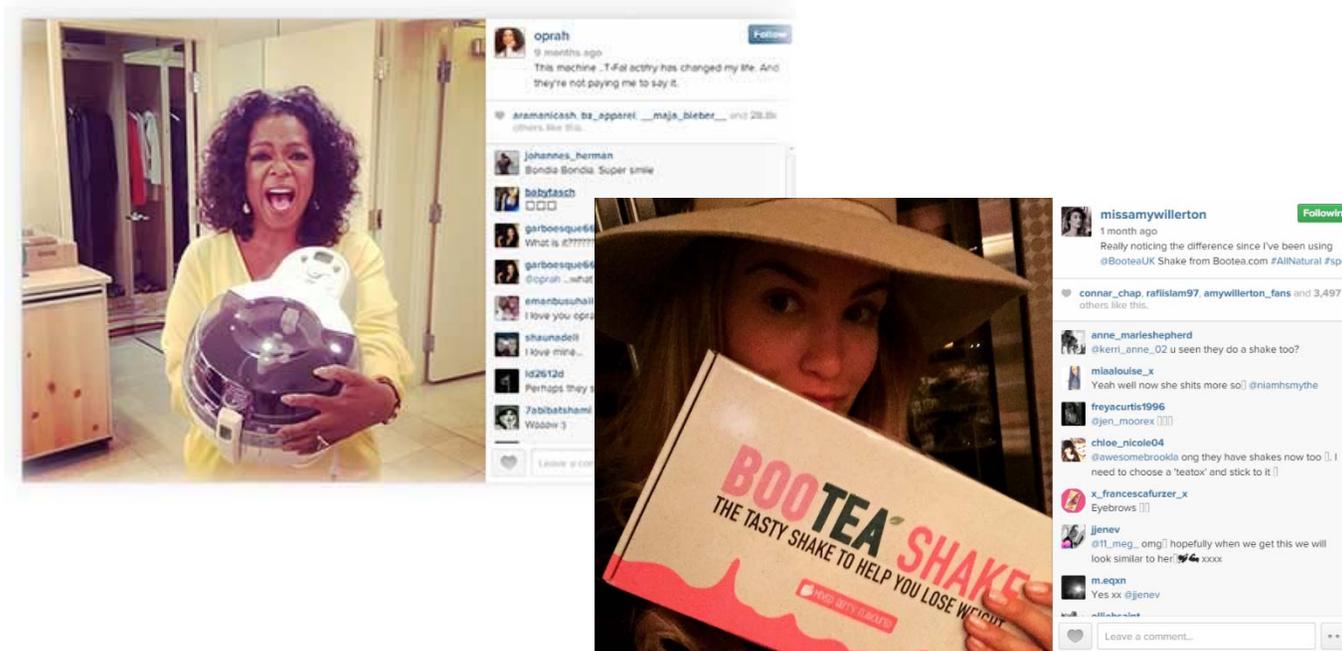
Advertising Standards Authority

- Enforces the Committee of Advertising Practice (CAP) Advertising Codes
- Responds to consumer complaints and business challenges
- Monitors ads and conducts research to identify how to protect consumers



ASA & Social Influencers

- Disclosures:
 - Use of “#ad” is likely a sufficient disclosure
 - Placement matters



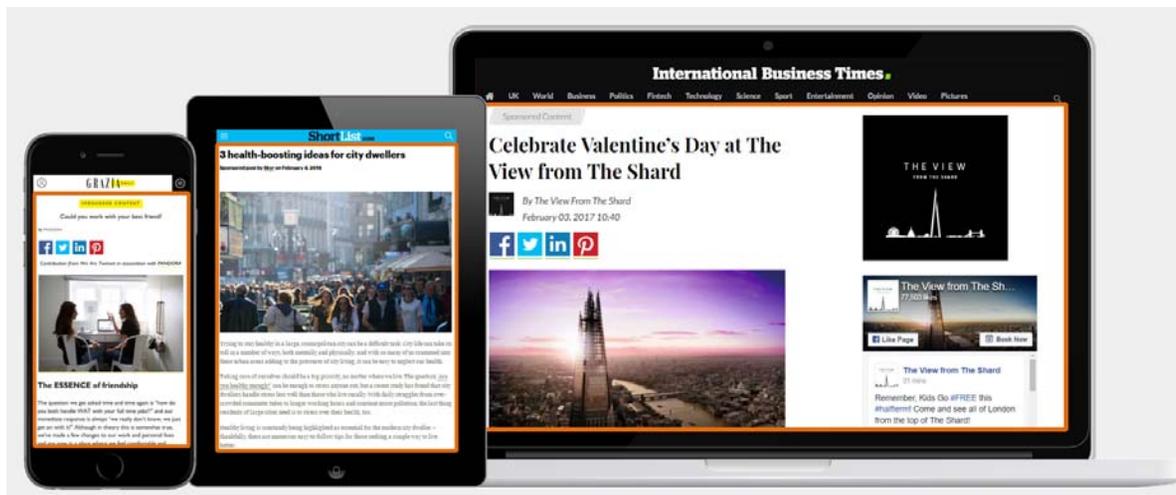
ASA Enforcement: Keith Chegwin & Publishers Clearing House

- Keith Chegwin tweeted a link to a Publishers Clearing House sweepstakes without a disclosure



ASA & Native Advertising

- Advertising vs. Sponsorship
- Disclosures:
 - Insufficient: “Sponsored,” “Recommended by,” “Brand Publisher”
 - Sufficient: “Paid for Ad,” “Ad Link,” “Ad,” or “Advertisement Feature”
- Placement matters



ASA Enforcement: *Telegraph* & Michelin Tyre

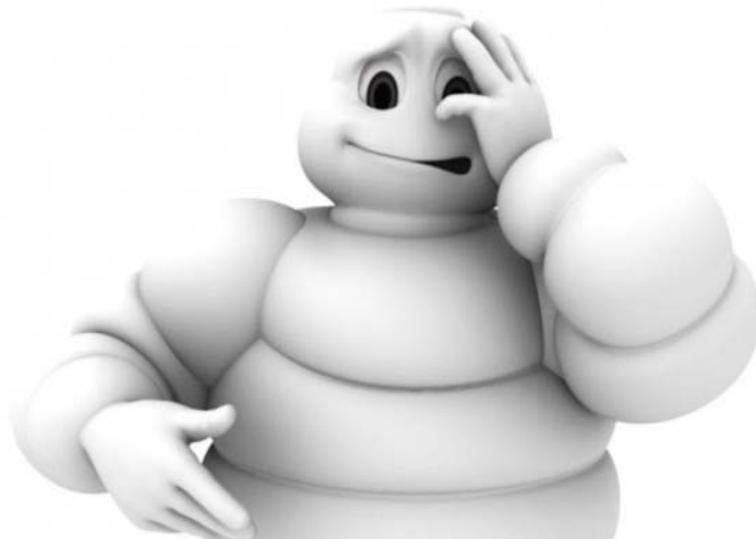
- December 2015, ASA Complaint #A15-311916
- Advertorial on *Telegraph* website provided a video comparing Michelin tires to a “budget” brand



The screenshot shows the homepage of The Telegraph website. At the top, there is a navigation bar with links for 'Privacy and cookies', 'Log in', 'Register', and 'Subscribe'. Below this is a banner for 'DISCOVER THE MICHELIN TYRE CARE TIPS!' with a 'CLICK HERE' button and the Michelin logo. The main header features 'The Telegraph' logo, a search bar, and the date 'Friday 19 July 2013'. A secondary navigation bar lists various news categories: Home, News, World, Sport, Finance, Comment, Blogs, Culture, Travel, Life, Women, Fashion, Tech, Dating, Offers, and Jobs. The main content area is titled 'HOME » SPONSORED » MOTORING » DRIVING ROUTES' and features an article titled 'Visit the Michelin stand at Goodwood Festival of Speed'. The article text reads: 'Heading to this year's Goodwood Festival of Speed? You won't be short of places to 'refuel', especially if you go anywhere near the Michelin stand.' Below the text is a large photograph of a vintage blue car with a woman in a black jacket and white pants standing next to it. To the right of the article, there is a section titled 'In association with' with the Michelin logo and the slogan 'A BETTER WAY FORWARD'. Below this is a section titled 'More from Michelin' with a sub-heading 'Inspiring chefs worldwide' and a small image of a vintage car. At the bottom of this section, there is a text block: 'When the Michelin Guide launched in 1900, no one could have foretold of the future enormity of its restaurant rating system.' Below this is a link to 'Michelin's research laboratory'.

ASA Enforcement: *Telegraph* & Michelin Tyre

- ASA noted that there were “several references” to association with Michelin
- However, ASA said they were insufficient to identify the content specifically as an ad
- ASA said that Michelin should use labels “other than ‘sponsored’ or ‘in association with’” for future advertorials



QUESTIONS?



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