



FTC to Update Guidance for Online Advertising Disclosures

The Federal Trade Commission has announced that it will be updating its guidance on how federal advertising law applies to online advertising. In its May 26, 2011, statement the FTC advised it is seeking public comment on how “Dot Com Disclosures: Information About Online Advertising” should be modified to reflect the dramatic changes to the online landscape that have occurred in the 11 years since the Commission first issued the guidance.

The 2000 guidance advised businesses operating online how the FTC’s consumer protection rules and guides – many of which were developed long before the virtual marketplace became a household shopping destination – apply to advertising and sales on the Internet. “Dot Com Disclosures” emphasized that the same consumer protection laws applied to online marketers, and stressed particularly the need for clear and conspicuous disclosures in Internet advertising and how factors that apply to traditional marketing would apply in the online context.

The FTC’s decision to update the guidance reflects the Commission’s recognition that much has changed since 2000. Mobile marketing, social media and “the ‘App’ economy” are all considerations that the FTC is seeking to address in this revision. In seeking public comment, the Commission has said it is specifically interested in “the technical and legal issues that marketers, consumer advocates, and others believe should be addressed.”

Companies that advertise on the Internet, or use blogs, social media pages or mobile technologies to advertise services, may be impacted by any new rules. Companies using cookies, tracking or online behavioral advertising techniques may also want to participate in this fact-finding

and comment proceeding. We are of course available at any time to discuss the FTC’s proposed update and assist those clients who wish to file comments.

The public comment period began May 26, 2011, and runs for 45 days, through July 11, 2011. Interested parties can submit written comments electronically, using the following link <https://ftcpublic.commentworks.com/ftc/dotcomdisclosures/> or in paper form, mailed or delivered to: Federal Trade Commission, Office of the Secretary, Room H-113 (Annex I), 600 Pennsylvania Avenue, N.W., Washington, DC 20580.

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Advanced Media and Technology Group

KENNETH A. ADLER	KADLER@LOEB.COM	212.407.4284
PHILLIP E. ADLER	PADLER@LOEB.COM	310.282.2260
ROBERT M. ANDALMAN	RANDALMAN@LOEB.COM	312.464.3168
IVY KAGAN BIERMAN	IBIERMAN@LOEB.COM	310.282.2327
CHRISTIAN D. CARBONE	CCARBONE@LOEB.COM	212.407.4852
TAMARA CARMICHAEL	TCARMICHAEL@LOEB.COM	212.407.4225
NATASHA CHAMILAKIS	NCHAMILAKIS@LOEB.COM	212.407.4853
MARC CHAMLIN	MCHAMLIN@LOEB.COM	212.407.4855
CRAIG A. EMANUEL	CEMANUEL@LOEB.COM	310.282.2262
KENNETH R. FLORIN	KFLORIN@LOEB.COM	212.407.4966
RUPEN R. FOFARIA	RFOFARIA@LOEB.COM	312.464.3154
DANIEL D. FROHLING	DFROHLING@LOEB.COM	312.464.3122
DAVID W. GRACE	DGRACE@LOEB.COM	310.282.2108
THOMAS A. GUIDA	TGUIDA@LOEB.COM	212.407.4011
NATHAN J. HOLE	NHOLE@LOEB.COM	312.464.3110
MELANIE J. HOWARD	MHOWARD@LOEB.COM	310.282.2143
THOMAS P. JIRGAL	TJIRGAL@LOEB.COM	312.464.3150
IEUAN JOLLY	IJOLLY@LOEB.COM	212.407.4810
MICHAEL RIDGWAY JONES	MJONES@LOEB.COM	212.407.4042
MICHAEL MALLOW	MMALLOW@LOEB.COM	310.282.2287
DOUGLAS N. MASTERS	DMASTERS@LOEB.COM	312.464.3144

NERISSA COYLE MCGINN	NMCGINN@LOEB.COM	312.464.3130
ANNE KENNEDY MCGUIRE	AMCGUIRE@LOEB.COM	212.407.4143
DOUGLAS E. MIRELL	DMIRELL@LOEB.COM	310.282.2151
DANIEL G. MURPHY	DMURPHY@LOEB.COM	310.282.2215
DANIEL O'CONNELL OFFNER	DOFFNER@LOEB.COM	310.282.2252
SETH A. ROSE	SROSE@LOEB.COM	312.464.3177
ROBERT MICHAEL SANCHEZ	RSANCHEZ@LOEB.COM	212.407.4173
ALISON POLLOCK SCHWARTZ	ASCHWARTZ@LOEB.COM	312.464.3169
STEVE A. SEMERDJIAN	SSEMERDJIAN@LOEB.COM	212.407.4218
BARRY I. SLOTNICK	BSLOTNICK@LOEB.COM	212.407.4162
BRIAN R. SOCOLOW	BSOCOLOW@LOEB.COM	212.407.4872
SHARON CERESNIE SORKIN	SSORKIN@LOEB.COM	312.464.3132
WALTER STEIMEL, JR.	WSTEIMEL@LOEB.COM	202.618.5015
AKIBA STERN	ASTERN@LOEB.COM	212.407.4235
JAMES D. TAYLOR	JTAYLOR@LOEB.COM	212.407.4895
MICHAEL A. THURMAN	MTHURMAN@LOEB.COM	310.282.2122
JOHN T. UM	JUM@LOEB.COM	212.407.4109
ROSA K. WALKER	RWALKER@LOEB.COM	212.407.4824
JILL WESTMORELAND	JWESTMORELAND@LOEB.COM	212.407.4019
MICHAEL P. ZWEIG	MZWEIG@LOEB.COM	212.407.4960