



**IfrahLaw**

Strategic Defense in  
Federal Investigations

# **FTC Prosecution of Affiliates for Advertising Claims**

January 11, 2011, Affiliate Summit West 2011

# WHO WE ARE

## **IFRAH LAW: A Focus on Government Investigations And E-Commerce**



# TODAY'S PRESENTATION OVERVIEW

- Insider's Understanding of the FTC
- Real-life Examples & What They Mean to You
- Staying Out of the Government's Cross-hairs
- Critical Advice *"in the event..."*



# FEDERAL TRADE COMMISSION



- **WHO?**
- **WHAT?**
- **WHY?**
- **HOW?**

# FTC PRIORITIZES AFFILIATE MARKETERS

*“Anyone in the chain between  
a seller and the ultimate  
consumer.”*

- David Vladeck, Director FTC Bureau of Consumer Protection



# So, WHAT DOES IT ALL MEAN...

- What is UNFAIR?
- What is DECEPTIVE?



# GUIDANCE FROM THE FTC



**AND THAT MEANS...**





# REVISED ENDORSEMENT GUIDES



# SOCIAL MEDIA & PAID BLOGGERS



# FTC V. REVERB COMMUNICATIONS

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**The New York Times** **Business Day**

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## Charges Settled Over Fake Reviews on iTunes

By MIGUEL HELFT  
Published: August 26, 2010

**SAN FRANCISCO** — Discerning Internet users know that glowing



# TEMPORARY RESTRAINING ORDER AGAINST AFFILIATES

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

ONE OR MORE UNKNOWN PARTIES  
MISREPRESENTING THEIR  
AFFILIATION WITH THE MAKING  
HOME AFFORDABLE PROGRAM,

Defendants.

Civil Action No. 09-894 (CKK)

**TEMPORARY RESTRAINING ORDER**  
(May 15, 2009)

Plaintiff, Federal Trade Commission ("FTC" or "Commission"), has filed a complaint seeking a permanent injunction and other equitable relief, pursuant to Section 13(b) of the Federal Trade Commission Act ("FTCAc"), 15 U.S.C. § 53(b), and a motion for a temporary



# HOW TO STAY OFF THE FTC'S RADAR



# CRITICAL ADVICE “*IN THE EVENT...*”





# FOOD FOR THOUGHT

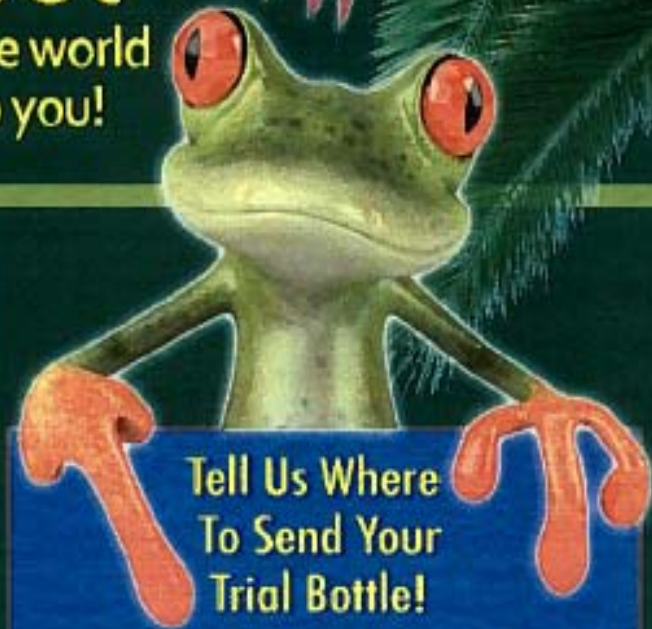
## Discover the Weight Loss Secrets of the Rainforest

Acai is the number one superfood in the world  
and now we're making it available to you!



### Why Use Acai Total Burn?

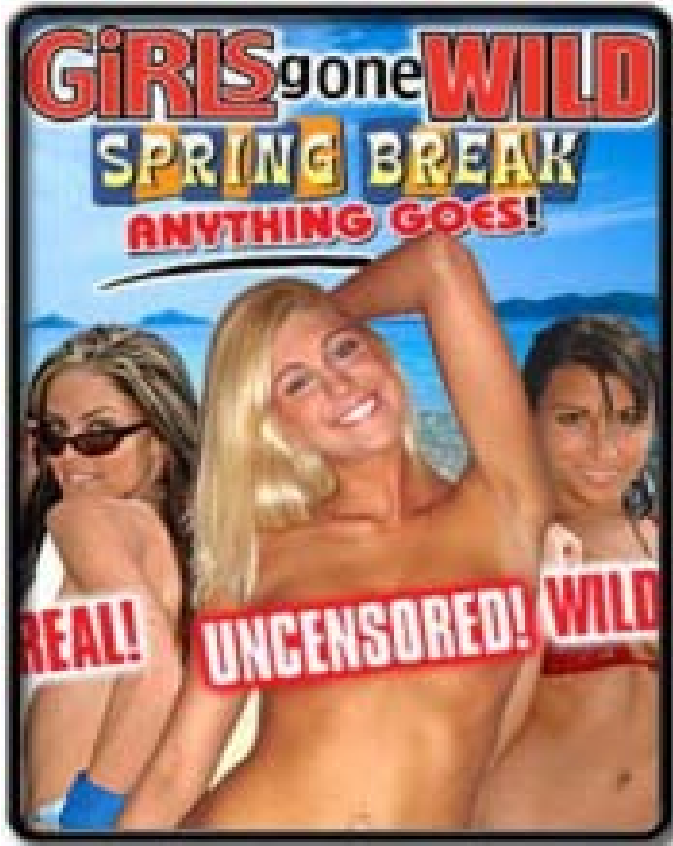
-  *Highest Antioxidants of any Food!*
-  *#1 Weight Loss Supplement of 2008!*
-  *Oprah and Rachel Ray Approved*
-  *Helps Increase Your Metabolism.*
-  *Fight Fatigue & Increase Energy*



**Tell Us Where  
To Send Your  
Trial Bottle!**

First Name	<input type="text"/>
Last Name	<input type="text"/>
Email Address	<input type="text"/>
Address 1	<input type="text"/>
Address 2	<input type="text"/>
City	<input type="text"/>

# FTC PROSECUTION OF GIRLS GONE WILD



“ Monthly Preview Program. 30-day money back guarantee if not completely satisfied. Additional title \$19.99 + \$4.99 shipping and handling. Cancel Anytime.”







**IFRAH LAW**

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**Blog [FTCBeat.com](http://FTCBeat.com)**

