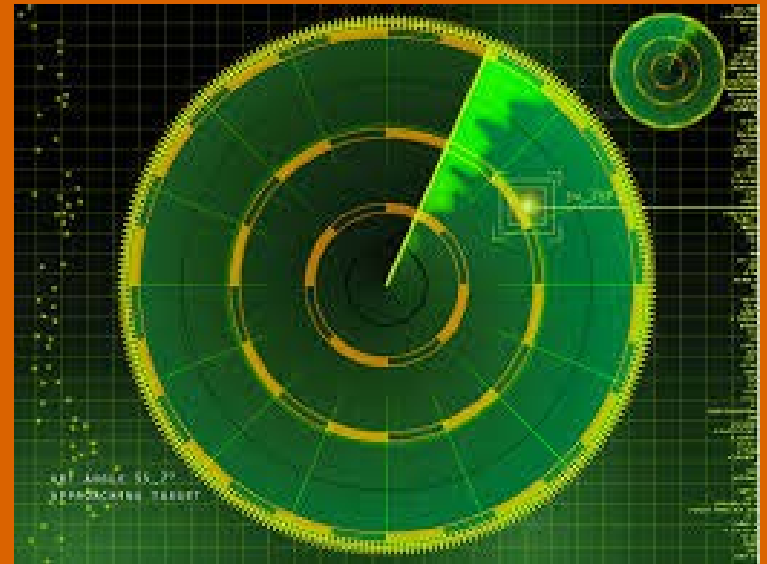


Enforcement Priorities: Staying Above the Law and Below the Radar Screen



Panelists

- Jennifer DeMarco,
AllStar
- Katherine Kiziah,
Florida Attorney General's Office
- Peter Marinello,
ERSP
- Amy Mudge,
Venable
- Marc Roth,
Manatt

Snuggly Smart



The pillow that makes your child smarter!



Playtime, Sleeptime, Anytime!



Pillows that help your child develop cognitive skills, like reading, writing, and math—just by sleeping on them!

Try it today—RISK FREE!

COLLECTIONS:

- [PILLOW PETS](#)
- [JUMBOZ](#)
- [DISNEY](#)
- [GLOW PETS](#)
- [DREAM LITES](#)
- [APPAREL](#)
- [POUCHEEZ](#)
- [TRICKSTERS](#)
- [INSPIRATIONS](#)
- [SPORTS](#)
- [ACCESSORIES](#)

*Disclaimer: Snuggly Smart Pillows have not been proven to assist cognitive development.

SUBSTANTIATION

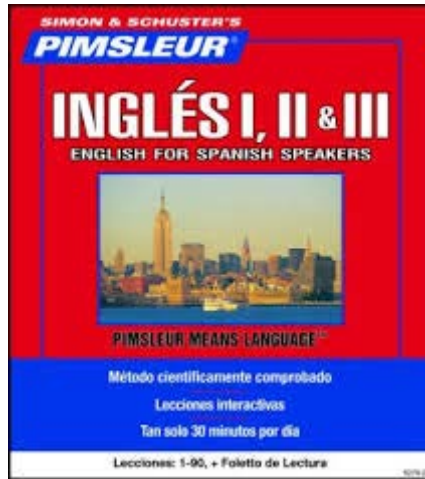
Basic Principles on Substantiation

- Advertising must be truthful and not misleading
- Advertising must have support for claims
- Advertisements cannot be unfair
- Disclosures that are required to prevent an ad from being deceptive or unfair must be presented “clearly and conspicuously”

Basic Principles on Substantiation

- Health Claims Must be Supported by Competent and Reliable Scientific Evidence
- Gold Standard is 1-2 Clinical Tests of the Product
- Ingredient Studies or Peer Reviewed Articles May Be Used But Closely Review to Match Science to Claims

FTC & NAD Educational Products Cases



DISCLOSURES

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- [TRICKSTERS](#)
- [INSPIRATIONS](#)
- [SPORTS](#)
- [ACCESSORIES](#)

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An act or practice is deceptive if:



it's likely to
mislead
consumers

acting
reasonably
under the
circumstances

and it would
be material to
their decision
to buy or use
the product

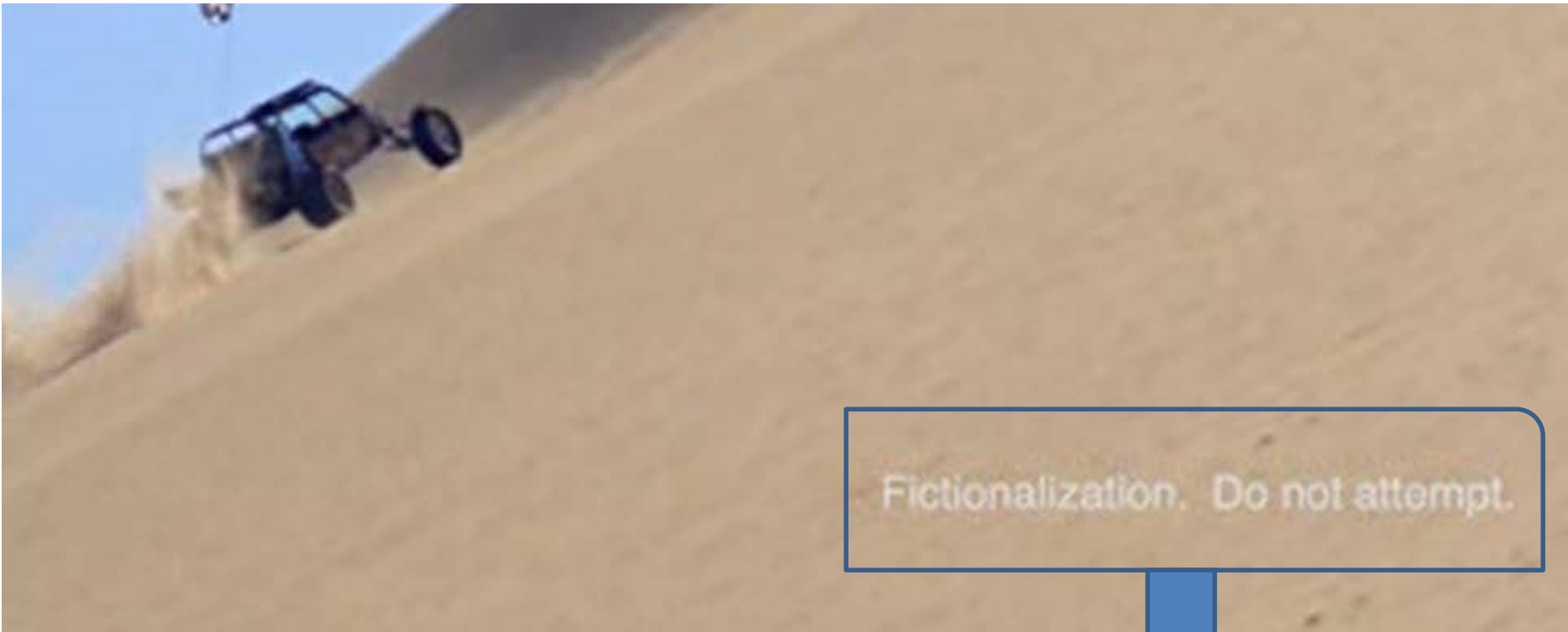
How Must Information be Disclosed?

- No one-size-fits-all formula for making disclosures clear and conspicuous
- FTC Act embodies a flexible performance standard
- Significant guidance from the 1984 FTC Deception Statement and from cases

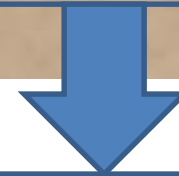




Fictionalization. Do not attempt.



Fictionalization. Do not attempt.




Fictionalization. Do not attempt.

.com Disclosures

How to Make Effective Disclosures
in Digital Advertising

Federal Trade Commission | March 2013



10:24 AM

Secure Your Home for Safety

Do you worry that the nanny is putting your toddler in front of the television for hours, instead of reading to her? Or do you have older children who come home to an empty house after school? An elderly parent at home alone? Or do you just want to see what the dog does while you're at work?

Get our wireless home monitoring system!

Price: \$99.99* per camera [Buy Now](#)

Set up our cameras wherever you need them, and relax. You'll be able to check on everyone and everything wherever you are, using either your computer, tablet, or smartphone equipped with our [free Eye app](#).

Our wide-angle cameras can be wall mounted or free standing. [See camera specifications.](#)

If the disclosure of information is necessary to prevent deception – or is required by an FTC Rule – the disclosure must be “clear and conspicuous.”

Disclosures should be “as close as possible” to the claims they modify.

Hyperlinks should be clearly labelled.

Some topics (e.g., cost, health, safety) may not be suitable for hyperlinks.

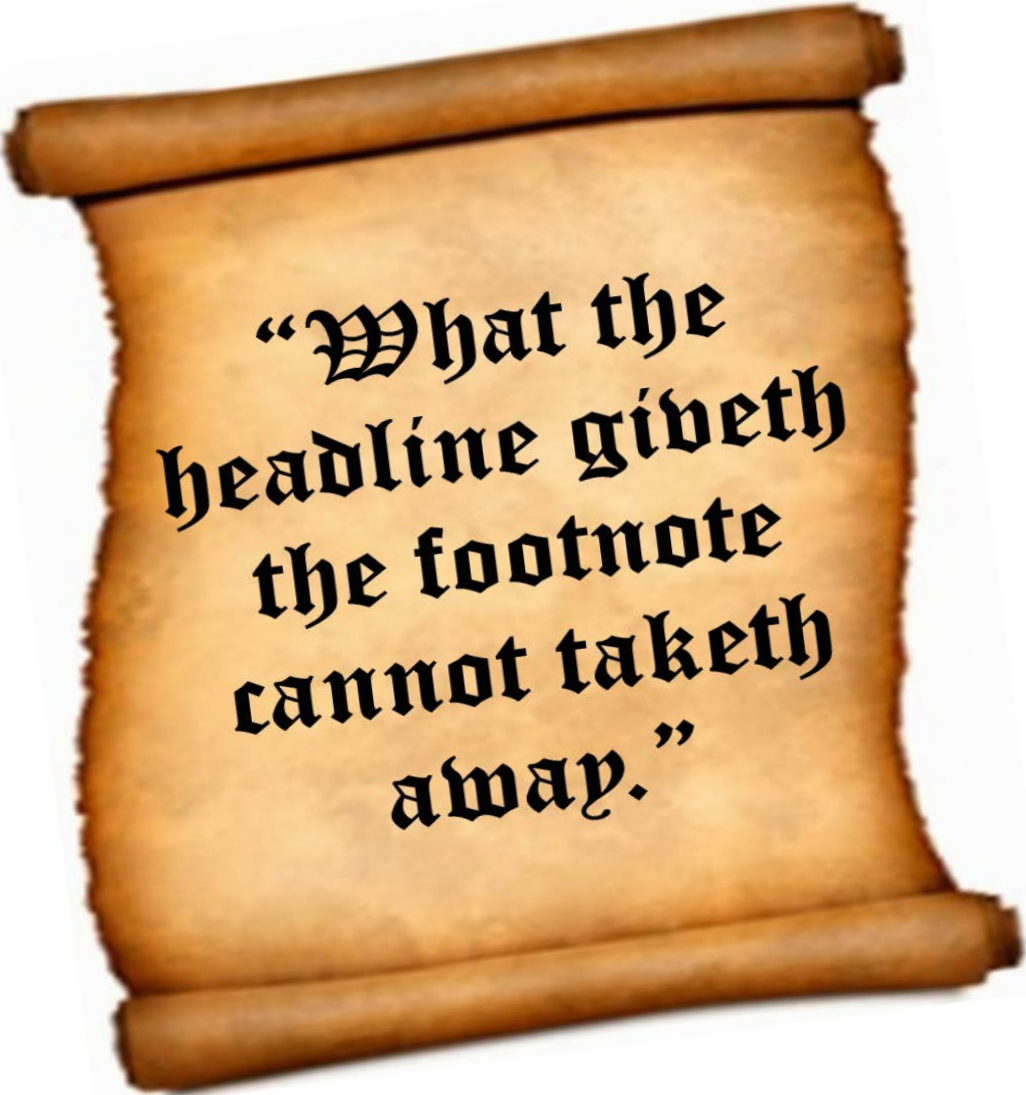
If you need to disclose information, but a particular platform won't let you make the disclosure clearly and conspicuously, don't use that platform to disseminate your ad.

**OPERATION
FULL DISCLOSURE**



Ways That Disclosures Were Not Clear And Conspicuous

- Small print
- Poorly contrasting print
- Appearing for too short a time
- Appearing away from claims which they seek to qualify
- At bottom of ad
- Not appearing on screen at the same time as the claim
- Part of a longer disclosure, sometimes in the middle or end of such a disclosure
- Distracting elements
- Ambiguous

A scroll of aged, yellowish-brown parchment with a slightly irregular, torn edge. The scroll is partially unrolled, showing a dark brown binding at the top and bottom. The text is written in a black, bold, serif font, slanted upwards from left to right.

**“What the
headline giveth
the footnote
cannot taketh
away.”**

**FALSE CLAIMS
CAN NOT BE
CURED WITH
CONTRADICTORY
DISCLOSURES.**

So what is “clear and conspicuous”?

It's a performance standard,
not a font size or a minimum
number of seconds.

[Advanced Search](#)
[Preferences](#)[Web](#) [Patents](#) [Images](#)

[Snuggly Smarts – The Pillow that Makes Your Child Smarter](#)

This is a unique one-of-a-kind pillow that helps children develop cognitive skills, like reading, writing, and math—just by sleeping!

www.snugglysmarts.com

[Wheel - Wikipedia, the free encyclopedia](#)

A **wheel** is a circular device that is capable of rotating on its axis, facilitating movement or transportation or performing labour in machines. ...

en.wikipedia.org/wiki/Wheel - 57k - [Cached](#) - [Similar pages](#)

[Wheel History - Invention of the Wheel](#)

Fascinating facts about the invention of the **Wheel** by Mesopotamian's in c3500 BC..

www.ideafinder.com/history/inventions/wheel.htm - 22k - [Cached](#) - [Similar pages](#)

[American Racing Wheels, Custom Wheels](#)

Custom **Wheels** for less including American Racing, Foose, Moto Metal, Eagle, and Boss Motorsports. Wheelsforless offers selection, service, and quality.

www.wheelsforless.com/ - 28k - [Cached](#) - [Similar pages](#)

[Wheel of Fortune](#)

This is Sony's official home page for the long-running **Wheel** of Fortune TV game show. Includes a version that you can play online.

www.wheeloffortune.com/ - 15k - [Cached](#) - [Similar pages](#)

Distinguishing Sponsored Search Hits from Natural Search Hits

- Disclose “Advertisement”
- Luminosity or contrasting background or borders
- Popping on different devices and different lighting conditions
- Text cue in prominent font directly above or to the left of an ad

Google Search

Web [Images](#) [Maps](#) [News](#) [Video](#) [Gmail](#) [more ▼](#) [My Account](#) [Sign out](#)

Google [Advanced Search](#) [Preferences](#)

Web Results 1 - 10 of about 2,950,000 for **stomach fat** (0.14 seconds)

Want a Toned Stomach?
[NiveaUSA.com/SkinnyJeansChallenge](#) NIVEA My Silhouette Can Redefine The Appearance of Your Curves!

The Truth About Belly Fat: Tips for a Flatter Stomach [+ X](#)
What's the best strategy for banishing belly fat? Is it as simple as adding certain foods to your diet, or doing particular exercises?
[www.webmd.com/diet/features/the-truth-about-belly-fat](#) - 108k - [Cached](#) - [Similar pages](#) -

Belly fat in men: Why weight loss matters - MayoClinic.com [+ X](#)
Belly fat in men — why it's dangerous and how to get rid of it.
[www.mayoclinic.com/health/belly-fat/MC00054](#) - 36k - [Cached](#) - [Similar pages](#) -

Flat Stomach Exercises and Diet Tips - How to Lose Belly Fat [+ X](#)
Get a flat stomach and lose belly fat fast with these simple stomach exercises and proper diet tips. Start losing belly fat today with our free flat stomach ...
[www.flatstomachtips.com/](#) - 15k - [Cached](#) - [Similar pages](#) -

WikiAnswers - What's the easiest way to get rid of lower stomach fat [+ X](#)
Diet and Weight Loss question: What's the easiest way to get rid of lower stomach fat? Lower Stomach Fat Spot training is a myth.
[wiki.answers.com/Q/What's_the_easiest_way_to_get_rid_of_lower_stomach_fat](#) - 55k - [Cached](#) - [Similar pages](#) -

How to Lose Belly Fat - wikiHow [+ X](#)
wikiHow article about How to Lose Belly Fat ... Understand the risks associated with belly fat. Belly fat is linked with cardiovascular disease, diabetes, ...
[www.wikihow.com/Lose-Belly-Fat](#) - 51k - [Cached](#) - [Similar pages](#) -

Lose Belly Fat, Get Flat Six Pack Abs, Ab Workouts, Abdominal ... [+ X](#)
Lose stomach fat for six pack abs the right way - No overhyped supplements, long boring cardio, or bogus ab gadgets. The honest answers to abdominal ...
[www.truthaboutabs.com/](#) - 30k - [Cached](#) - [Similar pages](#) -

Sponsored Link

Earn Belly Fat Fast
What is the #1 Fat Burner?
2008's Top 3 Fat Burners Revealed
[www.GetDietSolutions.com/FatBurners](#)

Ab Circle Pro
As Seen on TV. Try it at Home Risk
Free for 30 Days. Only \$14.95
[www.TryAbCircle.com](#)

Lose Stomach Fat Fast
Amazing Chinese Weight Loss Secret
As Seen On CNN, NBC, CBS & Fox News
[www.Wu-YiSource.com](#)

Stomach Fat
Finally, a Stomach Fat Diet That Really Works! Try it Now for Free.
[www.Lose-Your-Stomach-Fat.com](#)

Lose Stomach Fat Fast
Lose 25 Pounds in Just 2 Weeks.
As Seen on CNN - Try it Here!
[www.AppliedNutritionalResearch.com](#)

How I Got A Flat Stomach
I Got A Flat Stomach In Just Weeks
Following Only One Diet Rule.
[www.diet.com](#)

Stomach Fat

- FTC Complaint, *In the Matter of Beiersdorf, Inc.*

Helicopter Mom Blog:

Raising children for success

- [My Family](#)
- [Posts](#)
- [Reviews](#)
- [Advice](#)
- [Recipes!](#)



Snuggly Smart: How My 3-Year Old Learned to Read

If you read my blog, you know that I have been concerned about my 3-year-old, Eileen, being behind in learning how to read. I recently bought Eileen a Snuggly Smart pillow, which is a cute pillow that she absolutely loves! On the website, it said that it helps children develop cognitive skills. I was skeptical at first, but the pillows were so adorable I thought it would be great for pictures! Within a week of sleeping on the pillow, Eileen was writing the alphabet. Within a month, she was reading books that were geared towards FIFTH GRADERS!!!! I couldn't believe it. I totally recommend these pillows, which you can find at www.snugglysmart.com. You won't regret it. Please join the blog and share your success stories with me!!!

FILED UNDER: [ADVICE](#) TAGGED WITH: [ADVICE](#)

How to Get Your Child to Eat Healthy



As you are probably aware, it's hard to get your children to eat foods that are good for them, that will make them grow strong and smart. Here are some tips to help your child eat healthy:

- Induce them with rewards
- Make tasty foods! See my [RECIPES](#) section!
- If your child likes a certain meal that is healthy, cook it again and again!

FILED UNDER: [ADVICE](#) TAGGED WITH: [ADVICE](#)

Enter your email address:

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Raspberry Ultra Drops to Help Your Weight Drop

Written By Christine Meyer Published June 28, 2012 Health.com



Christine investigates Raspberry Ultra Drops to find out for herself if this diet aid works.



As part of a new series:
"Healthy Lifestyles: A look at America's Top Diet Trends"
 we examine consumer tips for dieting during a recession

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TOP HEALTH CENTERS

Back Pain	Digestive Health
Beauty & Skin	Heart Disease
Cancer	Nutrition
Cholesterol	Pain Management
Cold and Flu	Pregnancy
Depression	Sexual Health

HOT OFFER

4 bottles
 Weight Loss
 Average Range
57-61 Pounds



SUMMARY

Christine Meyer, our Lifestyle reporter, recently put Raspberry Ultra to the test. After four weeks of testing the effects of America's newest diet aid, she was able to achieve pleasantly surprising results. She lost 25 lbs in 4 weeks. The benefits of

Dietary options today can cost a health-conscious American thousands of dollars each year, and the results may be short-lived. And like you have probably already seen, they are all over the internet in blogs and success stories of people who have apparently used diet aids and lost a ton of weight. But we here at Fox News are a little skeptical and aren't sure that we've seen any real proof that these diet aids work for weight loss. So we decided to put these products to the test. What better way to find out the truth than to conduct our own study?

Topic 4

Testimonials and Endorsements





- Must be Truthful
- Marketers Cannot Say Through An Endorsement What Marketer Could Not Say Directly
- Must Show Typical Expected Results OR Disclose What is Typical
- Burden Falls on Marketers to Make Sure Endorsement is OK
- Anytime it is not Obvious an Endorser is Being Paid, Must be Disclosed

Billing Information


Choose Card

Save Card As

Cardholder Name*
(exactly as shown on card)

Card Number*    

Expiration Date*

 CVV2 Code

☐ My shipping address is also my billing address for this card.

First Name*

Last Name*

Billing Address*

Address 2
(apartment, building, floor, etc.)

City*

State*

Zip Code*

Billing Phone* () - Ext

By clicking the "Place Order" button below, you are submitting your secure order, and have read and agree to the [Privacy Policy](#) and to the [Terms and Conditions](#) for Snuggly Smart.

Place My Order

*By submitting your order, you agree to be enrolled in Snuggly Smart's automated renewal program.

Snuggly



Smart



Order Summary

Smart Monkey Pillow	\$29.99
Shipping	\$4.99
Total	\$34.98



Automatic Renewals on Websites Must Comply with the Restore Online Shoppers' Confidence Act (ROSCA)

- Must Adequately Disclose
 - That customers will automatically be enrolled in a negative option continuity plan and the monthly cost of the plan
 - That customers need to affirmatively cancel – and when they need to cancel – to avoid additional charges and
 - How consumers can cancel the program to avoid additional charges
- Must provide an easy method for customers to cancel enrollment in the autorenewal program

Choose Card

new card

Save Card As

untitled

Cardholder Name*

(exactly as shown on card)

Card Number*

DISCOVER

MARQUE

VISA

AMEX

Expiration Date*

Month

Year

CVV2 Code

☐ My shipping address is also my billing address for this card.

First Name*

Last Name*

Billing Address*

Address 2

(apartment, building, floor, etc.)

City*

State*

ALASKA

Zip Code*

Billing Phone*

() - Ext

☒ Save this card for future orders

Snuggly



Smart



Order Summary

Smart Monkey Pillow	\$29.99
Shipping	\$4.99
Total	\$34.98

By clicking the "I Agree and Accept" button, you represent that you are at least eighteen (18) years of age and have read and agreed to the [Terms and Conditions](#) and [Privacy Policy](#).

Upon placing your order, you will be enrolled in our automatic renewal program. Unless you call to cancel within 21 days from your order date, we will charge your card for a new Snuggly Smart pillow to be delivered at your house one month after your order date, and you will continue in our automatic renewal program. This means you'll receive a new Snuggly Smart pillow beginning 30 days after your order date and about every 30 days thereafter until you call to cancel. Each new Snuggly Smart pillow costs \$29.99 plus \$4.99 shipping and handling, charged to the same card you use today when each supply ships. To cancel anytime, call 1-888-934-2830.

When you click below, you accept the [Offer Details](#)

Purchase one Snuggly Smart Toy Today	Monthly membership fee of \$34.98 for a new Snuggly Smart Toy each month automatically charged 28 days after your first purchase	To cancel, just call 1-888-934-2830 within 21 days of purchase
--------------------------------------	--	--

I agree and accept
Place Order

Monetizing The Relationship

Now that we have customers, we want to contact them with additional offers from us and our partners. No problem, right?

WRONG!

Contacting Customers

- Mail?
 - Okay, but consider DMA MPS.
- E-mail?
 - Okay, subject to scrubbing against internal opt-out list.
 - Careful using “header” information.
- Calling home landlines?
 - Okay, if live rep, but must scrub against internal Do Not Call List.
 - No need to scrub against federal DNC list as you have an existing business relationship with the customer.
 - » Though some states are more restrictive in terms of length of the EBR.
 - Need to observe calling hour restrictions
 - If using a predictive dialer, must obey call abandonment rules
 - If recorded message, must have “express written consent.”

Contacting Customers

- Calling mobile numbers using an autodialer?
 - Must have “express written consent”
 - How do you know if you have a mobile number?
 - Consider the context in which the number was provided
 - Check against wireless carrier lists
 - EBR does not apply
 - Obey calling time, call abandonment rules
 - Manual dialing does not require EWC, but must obey more restrictive state laws
 - Informational or transactional calls do not require EWC, but you must have obtained the number from the consumer with the expectation that it might be used to contact them
 - “dual purpose calls” require EWC
- Texting?
 - Same as calling mobile phones

Contacting Customers

- How do you get Express Written Consent?
 - Agreement must be clear and conspicuous
 - Paper, online, IVR
 - May not be hidden in terms/conditions/privacy policies
 - CTA and reply text?
 - Agreement must contain specific disclosures
 - Consent not required to make a purchase
 - Use of an autodialer
 - Must be affirmatively agreed to
 - No pre-checked boxes
 - Not condition a purchase

Contacting Customers

- Privacy Considerations
 - Protect, protect, protect
 - Level of protection depends on nature of information held
 - Use customer information only in accordance with stated privacy policy
 - Get buy in from all company stakeholders

**Are You Interested in becoming an Authorized Distributer of the
Snuggly Smart? Earn Money Selling the Smugly Smart and Tell
Others About the Opportunity Too!
Get \$175 Per Referral Instantly And Monthly**

It doesn't get much easier than this...

Earn \$175 per referral...

Get paid instantly...

And get paid every month, not just one time...

Guess what!!!

You are not only going to be making money but will get access to a powerful free training site, with step by step video/scripts tutorials and strategies top earners in the industry are using to get results; that is to say we are going to make you A GURU MARKETER

- Low cost to start**
- Can be automated while you do little work**
- It's a global opportunity**
- You are going to be working from home**

Just listen to the money that some of our distributors have earned:

“\$1400 in the first 3 months” [Chris P.]

“\$3500 in first 30 days” [Kurstain B.]

“\$1400 in first month” [Jeff R.]

“\$5200 in first month” [Tanya D.]

Check out these results from our active members:

Active Brand Partners (U.S.)

Leader Rank	Percent of Average Earners Per 4 Week Period	Annualized Average Earnings
Member	36.09%	\$667.78
Bronze Leader	39.03%	\$1,326.64
Silver Leader	10.61%	\$3,260.73
Gold Leader	6.68%	\$5,708.02
Diamond Leader	4.40%	\$11,412.03
Platinum Leader	1.02%	\$34,309.45
Star Platinum	0.56%	\$31,011.92
Executive	0.59%	\$44,193.99
Star Executive	0.30%	\$68,530.42
Presidential	0.24%	\$98,169.97
Star Presidential	0.09%	\$135,560.69
Ambassador	0.18%	\$204,544.65
Star Ambassador	0.08%	\$376,696.17
Royal Ambassador	0.10%	\$963,579.89
Star Royal Ambassador	0.01%	\$1,682,144.32

Hit me here for more details: