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FTC TO UPDATE GUIDANCE FOR ONLINE ADVERTISING DISCLOSURES

June 2011

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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