



**A Communication from the Chief Legal  
Officers of the Following States:**

**Maryland \* Utah**

December 28, 2011

Donald S. Clark  
Federal Trade Commission  
Office of the Secretary  
Room HB113 (Annex J)  
600 Pennsylvania Avenue  
Washington, DC 20580

Re: Alcohol Reports: Paperwork Comment; Project No. P114503

Dear Mr. Clark:

We, the undersigned Attorneys General of Maryland and Utah, submit the following Comments in response to the Commission's proposed collection of information from alcohol advertisers regarding among other things, sales and marketing expenditures, compliance with the industry's voluntary advertising placement standard, digital marketing practices and data collection and lesser-known media programs, described in the Summary of Proposed Specifications, November 2011, located at <http://www.ftc.gov/os/fedreg/2011/11/111121alcoholstudypra2supp.pdf>.

We appreciate the FTC's consideration of the comments submitted by the Attorneys General of 24 states on April 26, 2011. We commend the FTC for agreeing to consider as it develops its next alcohol report our requests that the FTC: collect expenditure data more frequently; recommend an increase from 70% to 85% in the voluntary ad placement standards; review brand-specific placement data; and seek information about digital marketing and data collection practices. We entirely agree with the FTC that this data requests are in the public interest and essential to the agency's performance of its regulatory duties.

Based upon our review of the Summary of Proposed Specifications, the undersigned offer the following supplemental comments.

Specification 2 identifies 22 categories of advertising and promotions for which the FTC will seek expenditures and related data. Although the number of categories may appear exhaustive, innovations in technology are constantly creating new avenues for, and new types of, advertising and marketing. To ensure that the FTC captures expenditures and other data for all types of activities by which each company makes consumers aware of its alcohol products and gathers information about such consumers, we suggest that the FTC add an "other" category that will require each respondent to identify any other category of advertising, marketing or promotion expenditures not already captured by one of the specified categories. In this way, any marketing or promotion expenditures captured by such "other" category in response to Specification 2 would also trigger additional responses to Specifications 3 and 4.


Moreover, the States' April 26, 2011 letter listed several categories of digital and social marketing data that do not appear to be covered by the Summary of Proposed Specifications. We therefore continue to encourage the FTC to seek company policies, including standards as well as methods and frequency of monitoring and enforcement, governing: (1) user-generated content on corporate sponsored social media sites; and (2) third-party use of trademarked content on social media generally.

Thank you for your consideration of our views. We appreciate the FTC's ongoing efforts to enhance the quality and utility of data pertaining to alcohol advertising and marketing.

If you have any questions, please feel free to contact Maryland Special Assistant Attorney General Marlene Trestman at (410) 576-7219 or [Utah Assistant Attorney General Thom Roberts at (801) 538-9600.

Respectfully submitted,

  
Douglas F. Gansler  
Maryland Attorney General

  
Mark Shurtleff  
Utah Attorney General

Cc: Tom Horne, Attorney General of Arizona  
George Jepsen, Attorney General of Connecticut  
Joseph R. "Beau" Biden, III, Attorney General of Delaware  
Lenny Rapadas, Attorney General of Guam  
David Louie, Attorney General of Hawaii  
Lawrence Wasden, Attorney General of Idaho  
Lisa Madigan, Attorney General of Illinois  
Tom Miller, Attorney General of Iowa  
Martha Coakley, Attorney General of Massachusetts  
Jim Hood, Attorney General of Mississippi  
Catherine Cortez Masto, Attorney General of Nevada  
Michael Delaney, Attorney General of New Hampshire  
Gary King, Attorney General of New Mexico  
Eric Schneiderman, Attorney General of New York  
Scott Pruitt, Attorney General of Oklahoma  
John Kroger, Attorney General of Oregon

Peter Kilmartin, Attorney General of Rhode Island  
Alan Wilson, Attorney General of South Carolina  
Robert E. Cooper, Jr., Attorney General of Tennessee  
William H. Sorrell, Attorney General of Vermont  
Rob McKenna, Attorney General of Washington  
Greg Phillips, Attorney General of Wyoming