

**Federal Trade Commission Enforcement Policy Statement
In Regard To Clear and Conspicuous Disclosure
In Television Advertising
(October 20, 1970)**

The Federal Trade Commission in recent years has issued various opinions, orders and trade regulation rules that are concerned with the need for affirmative disclosures in connection with certain kinds of representations. These disclosures have been required, in general terms, to be "clear and conspicuous." Because questions have been raised as to the specific meaning of the term "clear and conspicuous," the Commission deems it appropriate to set forth the standards it considers in determining whether, in fact, an affirmative disclosure in a television commercial is "clear and conspicuous."

- I. In making this determination, the Commission will take into consideration all the technical factors (size of letters, duration of disclosure, etc.) used in presenting the disclosure to a television audience, as well as the substance of the individual disclosure. Specifically, the Commission believes that each of the following specific standards should be met for a television disclosure to be deemed clear and conspicuous:
 - A. The disclosure should be presented simultaneously in both the audio and video portions of the television advertisement.
 - B. The video portion of the disclosure must contain letters of sufficient size so that it can be easily seen and read on all television sets, regardless of picture tube size, that are commercially available for the consuming public.
 - C. The video portion of the disclosure should contain letters of a color or shade that readily contrast with the background. The background should consist of only one color or shade.
 - D. During the audio portion of the disclosure, no other sounds, including music, should be presented.
 - E. The video portion of the disclosure should appear on the screen for a sufficient duration to enable it to be completely read by the viewer.
 - F. The audio and video portions of the disclosure should immediately follow the specific sales representation to which they relate, and should be presented each time the representation is presented during the advertisement. In cases where a disclosure is required, but is not linked to a specific representation, it should appear in immediate conjunction with the major sales theme of the advertisement.

- II. Television advertisers should consider the audience to whom the disclosure is directed in order to assure that such persons can understand the full meaning of the disclosure. For example, a disclosure appearing in a television advertisement directed at children must be written and presented in a manner that would be understood by them and have the capacity to attract their attention. The substance of the disclosure should be such that it can be understood by all those individuals that understand the sales representation of the advertisement. If securing this understanding is impractical, then the advertisements containing such representations should not be used on television.