

WINSTON & STRAWN LLP

BEIJING
CHARLOTTE
CHICAGO
GENEVA
HONG KONG
HOUSTON
LONDON
LOS ANGELES

1700 K STREET, N.W.
WASHINGTON, D.C. 20006

+1 (202) 282-5000

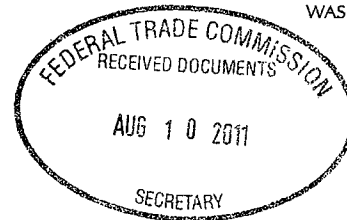
FACSIMILE +1 (202) 282-5100

www.winston.com

MOSCOW
NEW YORK
NEWARK
PARIS
SAN FRANCISCO
SHANGHAI
WASHINGTON, D.C.

ANTHONY E. DIRESTA

Partner
(202) 282-5782
adiresta@winston.com



August 10, 2011

Federal Trade Commission
Office of the Secretary
Room H-113 (Annex I)
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Re: **DOT COM DISCLOSURES, P114506:**
COMMENTS ON BEHALF OF THE PUBLIC RELATIONS SOCIETY OF AMERICA

On behalf of the Public Relations Society of America ("PRSA"), I respectfully submit these Comments in response to the request by the Federal Trade Commission ("FTC") for public comments on the potential update to DOT COM DISCLOSURES: INFORMATION ABOUT ONLINE ADVERTISING.

PRSA is the world's largest organization of public relations and communications professionals, whose members are directly impacted by regulations and guidance provided by the FTC. There are approximately 22,000 members of PRSA, and all adhere to a Member Code of Ethics. One provision of that Code involves the disclosure of information, and requires members to reveal the sponsors for causes and interests represented. Simply put, a core belief of PRSA is that marketers should seek to inform consumers of the motivations and intent of use behind their

messaging, whether the media used is “traditional” (television, print, or radio) or “new” (such a social media platform).

PRSA’s Comments are in several sections, which include discussions of:

- the challenges of disclosures in new media platforms (including the issues presented by character and text limitations, the desire to draw attention to disclosures, consumer modification of brand messaging, and prominence of disclosures);
- the use of contests in advertising campaigns;
- the role and impact of the FTC Guides on the Use of Endorsements and Testimonials;
- the increasing reliance on mobile communications and use of mobile marketing; and
- the role of hyperlinks.

Several recommendations are included in the Comments, including a request that the FTC hold a public workshop on the technological, legal, and regulatory issues presented by applying the “clear and conspicuous” standard to online advertising disclosures, so that the staff will be in the best position to issue appropriate and reasonable guidance or examples that (1) acknowledge core consumer protection principles while (2) aiding businesses and marketers practically in understanding their responsibilities.

PRSA looks forward to assisting the FTC in evaluating the emerging technologies and the impact of any guidance on the marketing practices by advertisers and brands.

Please let me know if you have any questions or need any additional information.

Respectfully Submitted,

Anthony E. DiResta



ADVANCING THE PROFESSION
AND THE PROFESSIONAL.

August 10, 2011

VIA ELECTRONIC SUBMISSION

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue, NW
Room H-113 (Annex I)
Washington, DC 20580

RE: Comments of the Public Relations Society of America (PRSA)
to Proposed Revisions to Dot Com Disclosures (FTC Matter No. P114506)

Members of the Commission:

The Public Relations Society of America (PRSA) is pleased to submit comments and supporting materials in response to a request by the Federal Trade Commission (FTC) for public comments on proposed revisions to the FTC's "Dot Com Disclosure" guidelines (the "Guidelines"). PRSA appreciates the opportunity to comment on what will surely become valuable revised guidelines for online and digital advertising, marketing and communications professionals, not to mention the value these revised guidelines will provide for online consumer protections.

PRSA is the world's largest organization of public relations and communications professionals. Our members are directly affected by FTC rules and regulations governing the use of online and digital marketing claims in public relations, marketing and advertising materials, as part of integrated communications and marketing programs executed on behalf of clients and employers.

Many of our members are regularly involved — or will be involved — in the production and dissemination of online and digital marketing communications, messaging and materials that are read, viewed or listened to by consumers.

PRSA is a 501c(6) professional organization representing more than 21,000 professionals, as well as 10,000 student members of our ancillary Public Relations Student Society of America (PRSSA), who practice public relations in every state and territory of the United States and abroad. PRSA is responsible for representing, educating, setting standards of excellence and best practices, providing certification and upholding principles of ethics for its members, and more broadly, the \$5.2 billion U.S. public relations industry.

Members of PRSA include: independent practitioners; small business owners; employees of government agencies; corporations; academic institutions; law firms and professional services practices; public relations firms of all sizes and practice specialties; and nonprofit institutions of every size and description. PRSA membership also includes professionals who engage public relations as part of a comprehensive mix of marketing communications and advertising strategies to achieve client objectives.

The Society operates under the direction of a board of directors elected each year by the general membership, with a chair and chief executive officer overseeing direction of the Board and of the general Society. Guidance for the organization in fulfilling its mission — to advance the standards of the public relations profession and professionals through education, innovation and adherence to a strong code of



ADVANCING THE PROFESSION
AND THE PROFESSIONAL.

ethical behavior — stems from the organization's published bylaws and its industry-leading code of ethics.

We thank the FTC for the opportunity to present our views. If you have any questions or would like to discuss these issues further, please contact Keith Trivitt, associate director of public relations, at (212) 460-1495 or keith.trivitt@prsa.org.

Respectfully submitted,

Rosanna M. Fiske, APR
Chair and CEO
Public Relations Society of America

Deborah A. Silverman, Ph.D., APR
Chair, Board of Ethics & Professional Standards
Public Relations Society of America

William M. Murray, CAE
President and Chief Operating Officer
Public Relations Society of America

Keith Trivitt
Associate Director of Public Relations
Public Relations Society of America

Appendix:

- Full commentary of Public Relations Society of America, pp 1–10.
- Appendix One: PRSA Member Code of Ethics, pp 11–16.
- Appendix Two: Professional Standards Advisory PS–8 (October 2008): Deceptive Online Practices and Misrepresentation of Organizations and Visuals, pp 17–18.
- Appendix Three: PRSA commentary for 2010 WOMMA Ethics Code review, p 19.
- Appendix Four: PRSA op-ed in *MediaPost* (Jan. 14, 2011), "Raising Disclosure's Digital Profile," pp 20–21.
- Appendix Five: PRSA letter to the editor of *The New York Times* (July 5, 2011) re increasing digital disclosure awareness and transparency among businesses victimized by cyberattacks, p 22.
- Appendix Six: PRSA op-ed in *PRMoment.com* (Feb. 1, 2011), "U.S. and U.K. Must Maintain Professional Standards When Using New Technologies," pp 23–24.
- Appendix Seven: PRSA letter to the editor of *Technology Review* (May/June 2011) re WikiLeaks' impact on transparent corporate communications, p 25.
- Appendix Eight: PRSA op-ed in *All Things WOM* (Jan. 25, 2011), "Digital Disclosure — Modern Challenge for Modern Marketers," pp 26–27.

Response to Request for Comment

Federal Trade Commission

FTC Matter No. P114506

Proposed Updates to "Dot Com Disclosure" Guidelines Comments of the Public Relations Society of America (PRSA)

A. Comment Summary

This document provides commentary on behalf of the 32,000 members of the Public Relations Society of America and the broader U.S. public relations industry. It is based on substantial background on the most current professional standards for ethical communications, as established by PRSA.

You will find that PRSA is a strong advocate for ethical and transparent communications and marketing practices, especially as that pertains to online communications channels in which consumers now perform a plurality, if not a majority, of their purchasing and decision-making activities. In fact, PRSA has made digital disclosure a cornerstone of its national and international advocacy initiatives this year. We have had published commentary, op-eds and letters to the editor on the need for incorporating more stringent disclosure practices in digital marketing and communications in *The Guardian* newspaper, *MediaPost*, *PRMoment.com*, *CMO.com*, *Technology Review*, and the Word of Mouth Marketing Agency (WOMMA) blog, *All Things WOM*.

We encourage the Commission to give careful consideration to the ethical guidelines and practice standards for transparent communications and marketing practices, as established by PRSA and WOMMA. The guidelines under consideration should encourage broader application of principles already in place with PRSA membership, and we encourage that. (The U.S. Census Bureau notes¹ that there are approximately 200,000 public relations practitioners in the United States, as of 2006. Of those, approximately 22,000 are represented by PRSA, making it the world's largest professional association representing public relations and communications professionals, but by no means a majority of practitioners.) As noted throughout this document, we also support more specificity in the FTC's guidelines to ensure there can be no misunderstanding about standards of digital disclosure by businesses.

PRSA commends the FTC staff for their initiative to revise the "Dot Com Disclosures" guidelines. The original guidance document has provided invaluable guidance and insight into how marketers and communicators can legally and ethically advertise and communicate online with consumers. However, like all communications channels, online advertising and marketing is a constantly evolving space. The 2000 guidelines, therefore, are in need of significant revisions that take into account the drastic changes that have occurred in technology and media, both for businesses and consumers.

This change has helped build a robust online advertising and marketing industry, but one that is becoming increasingly fraught with confusion concerning ethical disclosure in online advertising and marketing communications. There are a number of key issues on which marketers do not know whether their online disclosures would be acceptable according to FTC guidelines. We strongly believe that the time has come for a robust update and modernization of the FTC's original online disclosure guidelines, to better reflect the current and future realities and challenges that marketers and consumers face.

In addition to soliciting and reviewing public comments, we strongly urge the Commission to hold a

¹ Statistics of U.S. Businesses: 2006: NAICS 54182 – Public relations agencies, United States. It is published at <http://www.census.gov/epcd/susb/2006/us/US54182.HTM>

public workshop this year in order to solicit a full public exchange of views on these issues. PRSA suggests the FTC invite key industry and consumer trade groups and other interested parties to this workshop to hear a variety of suggestions for how the FTC can continue to ensure consumers digital rights are protected, while also aiding businesses in realistically and responsibly meeting the challenge of digital disclosure.

PRSA believes strongly in consumer protections. Part of our mission is to help advance the free flow of accurate and transparent information that helps inform society and aid in the public's knowledge. We urge the Commission to maintain the foundational principle in the updated Guidelines — as was the case in the original guidance document. Specifically, that the same consumer protection laws apply to marketers whether they operate online or offline. Above all, protection of consumers' rights is paramount.

To be clear, we believe the public relations profession in the United States is a responsible steward in upholding and respecting consumer protections and ensuring that the public is fully informed of pertinent information, resources and data, including, but not limited to, disclosure within digital communications and marketing. Our 22,000 professional members all sign a Member Code of Ethics² and agree to abide by a set of ethical standards. Foremost among those ethical tenets is the free flow of information.

Therefore, we do not believe it is necessary for the FTC to further restrict how businesses communicate, advertise and market online. Rather, we urge the Commission to provide significant clarification and education as to how modern communications channels and technologies available to businesses should be used. Furthermore, we request that the FTC help marketers better understand and judge where challenges may lie within those mediums in which the Commission has purview.

PRSA also believes that disclosure of relationships, motivation, compensation and other pertinent factors should be the basis of all forms of marketing and communications, including emerging practices like social media and online contests. Ethical marketing and communications require that marketers reasonably inform consumers of the motivations and intent of use behind the messaging they receive throughout the process, no matter the medium used.

Following are some of the steps PRSA regularly takes to keep its members informed about the ethical communications and marketing standards that come into play in the day-to-day course of their business activities:

- PRSA routinely publishes ethics and professional standards advisories for its members, as it did in late-2008, via PS-8³, "Deceptive Online Practices and Misrepresentation of Organizations and Visuals".
- PRSA states its positions in opinion pieces, letters to the editor, position statements, blog posts and commentary, along with participating in interviews with both trade media and general consumer media at every opportunity.
- PRSA annually bestows awards for best practices in the development of some of the industry's top environmental marketing and public relations campaigns. These awards for best practices have as one of their core principles the practice of ethical and transparent messaging and marketing claims.
- PRSA routinely offers professional development courses on specific tactics, such as the development of messaging online, for mobile dissemination and across social media, and where

² PRSA Member Code of Ethics, which is signed voluntarily by each member of the Society. It is published at <http://bit.ly/9VZZCQ> and is attached to this document as Appendix One. The current code has been in place since 2000. It replaced a previous code that had been last revised in 1988.

³ Professional Standards Advisory PS-8 (October 2008): Deceptive Online Practices and Misrepresentation of Organizations and Visuals. It is published at <http://bit.ly/nqLj5s> and is attached to this document as Appendix Two.

the transparency requirements are also discussed and reinforced.

- PRSA members are able to earn accreditation, designated by APR (Accreditation in Public Relations) or APR+M (Accreditation in Public Relations + Military) after their names, through written and oral testing. Individuals who go through the APR or APR+M Accreditation process must be well versed in ethical professional practices, including proper disclosure of the sources and sponsorship of materials sent to the media and disseminated to the public.

PRSA's Code of Ethics contains important guidelines for ethical and transparent online communications and marketing practices:

- **Professional Values**

- **Advocacy.** Public relations practitioners serve the public interest by acting as responsible advocates for those we represent. We provide a voice in the marketplace of ideas, facts and viewpoints to aid informed public debate.
- **Honesty.** Public relations practitioners adhere to the highest standards of accuracy and truth in advancing the interests of those we represent and in communicating with the public.
- **Expertise.** Public relations practitioners acquire and responsibly use specialized knowledge and experience. We advance the profession through continued professional development, research and education. We build mutual understanding, credibility and relationships among a wide array of institutions and audiences.
- **Independence.** Public relations practitioners provide objective counsel to those we represent. We are accountable for our actions.
- **Loyalty.** Public relations practitioners are faithful to those we represent, while honoring our obligation to serve the public interest.
- **Fairness.** Public relations practitioners deal fairly with clients, employers, competitors, peers, vendors, the media and the general public. We respect all opinions and support the right of free expression.

- **Code Provisions:**

- **Free Flow of Information.** Protecting and advancing the free flow of accurate and truthful information is essential to serving the public interest and contributing to informed decision making in a democratic society.
- **Disclosure of Information.** This provisions states that a member shall be honest and accurate in all communication. Act promptly to correct erroneous communication for which the member is responsible. Investigate the truthfulness and accuracy of information released on behalf of those represented. Reveal the sponsors for causes and interests represented. Disclose financial interest such as stock ownership of the client organization, past client work or affiliation. Avoid deceptive practices. And disclose or help expose deceptive practices where possible
- **Conflicts of Interest.** Avoiding real, potential or perceived conflicts of interest builds the trust of clients, employers and the publics.
- **Enhancing the Profession.** Public relations professionals work constantly to strengthen the public's trust in the profession. Investigate the truthfulness and accuracy of information released on behalf of those represented.

In response to the Commission's request for comments on updating the "Dot Com Disclosure" guidelines, PRSA would like to offer the following views:

I. Realities and Challenges of Digital Disclosure

Among public relations and communications professionals who regularly engage in digital communications and marketing and/or social media efforts, one of the chief concerns and issues is discerning when, where and how frequently disclosure must be made. With the proliferation of communications channels, such as Twitter, that thrive, and in many cases, require, short brand messaging, communicators are frequently facing challenges over how often to include disclosure within their digital brand messaging and marketing, and where that disclosure should appear.

For example: If Brand X is writing a Tweet promoting an upcoming contest found on its website, must the company place a disclosure link within that Tweet, or would it be appropriate for the disclosure link to be found on the Web page that the Tweet links out to?

PRSA urges the FTC to provide guidance on how retweets and other redistribution and dissemination of brand messaging across social networks affect digital-disclosure requirements. Many social networks have a character or word-count limit that often makes it difficult for disclosure links or messaging to be included within the main context of the communications or advertisement. In the case of a retweet or Facebook "Like," we ask that Commission to clarify whether a brand should make it possible for consumers to retransmit the disclosure link and/or disclosure messaging every time that message is disseminated. We suggest the FTC consider whether there are other channels by which businesses can ensure digital disclosure is still provided, such as through the use of approved third-party apps (e.g., TwitLonger, CMP.ly and Deck.ly) that allow businesses to include extra communications within Tweeted messages, thereby, improving the chances that consumers will pass along a business' digital disclosure messaging when redistributing the original message.

II. Social Media Contests

A frequently used component of public relations campaigns are social media contests. While presenting numerous opportunities to brands and marketers, PRSA recognizes that the proliferation of social media contests presents issues for consumers, particularly regarding the protection of their rights to be fully informed of the motivations and interests of businesses engaging in and providing for a contest.

In commentary submitted in January 2011⁴ to the Word of Mouth Marketing Association, as part of its 2011 Ethics Code review, PRSA advocated the following regarding the importance of disclosure within social media contests:

There needs to be disclosure — by the marketer and by the person engaged in that contest — within every single message, blog post, tweet, etc. mentioning that contest. The breadth of social networks and how far they reach means that marketers now capture consumers' interests at different times and through different lenses.

Where practical, social media contests should provide a link to a clear and simple Web page noting all of the uses for the contest, the information submitted as part of the contest and to whom that information will be given to and for what purposes.

A simple feature that would allow for all messaging and communications within a social media contest to contain the necessary disclosure, and within space/character limitations, can be found in a free service like CMP.ly, which provides a tiny URL link back to a comprehensive disclosure page relevant to that specific contest.

⁴ PRSA Commentary for 2010 WOMMA Ethics Code Review. It is published at <http://bit.ly/gjIGQw> and is attached to this document as Appendix Three.

We suggest the Commission consider specific aspects of this commentary, as well as that of WOMMA's Ethics Code⁵, in its revised Dot Com Disclosure guidelines.

III. Further Implications of the "Blogger Rules"

PRSA has been a vocal advocate of the FTC's revised Guides Concerning the Use of Endorsements and Testimonials in Advertising (the "Blogger Rules"). Representing our 32,000 members, as well as the broader public relations profession in the United States, we have spoken out frequently⁶ about the need for public relations professionals to abide by these guidelines and to do so transparently and earnestly.

For PRSA, the "Blogger Rules" resonate with a familiar echo. Transparency principles in the PRSA Code of Ethics parallel both the new guidelines and align with its Professional Standards Advisory PS-9⁷ condemning "pay-for-play" practices.

We have also guided our members and the public relations profession through real-world examples and case studies of issues they should avoid in order to not run afoul of the Guides. Writing on the PRSA executive blog, *PRSA*, Sept. 2, 2010⁸, in reference to the FTC's 2010 settlement with Reverb Communications over fake product reviews, former PRSA Chair and CEO Gary McCormick, APR, Fellow PRSA, said: "The PRSA Code of Ethics, to which all PRSA members pledge, calls for truthful, accurate and transparent communications. What could possibly be truthful, accurate or transparent about posting positive reviews of a client's product, without disclosing that you've been paid to do so?"

"The same ethics that apply to off-line communications also must be applied to social media conversations and other forms of online communications. Consumers have a right to know that the information they read online is accurate and truthful. They also have a right to know if a product "reviewer" has been paid to offer a positive opinion of a product or service."

Despite this advocacy on the FTC's behalf to convey the value of ethical communications and marketing strategies and tactics when engaging third-party endorsers and testimonials, our members have concerns regarding whether the revised Dot Com Disclosure guidelines will further impact the FTC's "Blogger Rules"; if so, to what extent overlap may exist between the two sets of guidelines.

We note that in the case of the "Blogger Rules," disclosure of a company sponsoring a blog post, by way of example, has little to no difference than the disclosure required by the FTC when a company places an ad on a website. In either case, advertising or endorsement (whether implicit or explicit) space is being purchased and a company's messaging is being disseminated. However, as it stands now, two sets of guidelines govern these communications, each with somewhat overlapping goals and regulations.

In the interest of clarity and simplicity, we urge the FTC to consider folding its "Blogger Rules" into the broader Dot Com Disclosure guidelines. As online marketing and communications activities continue to blend with other digital marketing initiatives, such as online testimonials and product reviews, it is imperative that the FTC's revised Dot Com Disclosure document serve as a comprehensive guidebook for a variety of marketing communications initiatives.

⁵ WOMMA Ethics Code. It is published at <http://womma.org/ethics/code/intro/>.

⁶ "\$250K Reasons to Pay Attention to the FTC's 'Blogger Rules'," *PRSA* blog, March 25, 2011. It is published at <http://bit.ly/eDEYgk>.

⁷ Professional Standards Advisory PS-9: Pay-for-Play (October 2008). It is published at <http://bit.ly/q6aVhY>.

⁸ "Unethical Product Reviews Have No Place in Public Relations," *PRSA* blog, Sept. 2, 2010. It is published at <http://bit.ly/9r1XA7>.

IV. Clarity of Disclosure

Despite the proliferation of social-media communications and its accompanying movement toward more succinct messaging, we have observed that in recent years, corporate disclosures on websites have become longer and more complex. Rather than helping consumers understand what they are about to purchase or agree to, the disclosures often bewilder consumers or leave them exasperated and unwilling to read important information about how their information and data may be used by a business.

We believe in clarity of communications. Foremost among our belief is that companies should be transparent in their communications and marketing and should aid in the decision-making process for consumers, rather than adding to the confusion that can accompany a purchase decision.

Many online shopping sites have an area where consumers must agree to the terms of service/agreement before purchase. However, the terms of service/agreement are lengthy and the average on-line shopper will not take the time to fully read the document.

We suggest the FTC identify what information from the terms of service/agreement must be displayed on the website, in clear and concise language. Also, we urge the Commission to recommend that businesses place a link on the purchase page that will take the consumer to the full disclosure document. This document should be no more than one page and should contain all vital information in a transparent and clear manner. The goal of online brand disclosures should be more than just a catch-all for the business to ensure it has legally met its obligations. Online disclosure documents should help to properly inform consumers about how their personal information and data is being used, where it may be used and what value the company could derive from it.

In short, online disclosures should act as more of an informant for consumers, rather than a deterrent toward obtaining knowledge.

V. Mobile Communications and Marketing

With smartphones having overtaken feature phones in America⁹ and 72.5 million Americans¹⁰ using smartphones, marketers are increasingly reaching consumers via their mobile phone, rather than more traditional forms of online advertising, such as display ads. PRSA believes that the mobile phone is on the cusp of becoming the most powerful communications and marketing medium in the world. Many of our members, as well as the more than 200,000 public relations professionals in the United States, work within the mobile public relations and marketing space, on behalf of clients or their employers.

Pursuant to our commitment to protecting consumer rights and ensuring transparent communications and marketing are provided, we want to stress to the FTC our members' commitment, as well as that of the entire public relations profession, to responsible communications and marketing within the mobile space.

Regarding the original Dot Com Disclosures recommendation that a disclosure appear on the same screen as a claim, we share the FTC's continuing desire to make disclosures easy to find and read, particularly in the mobile space. However, we seek additional guidance from the Commission as to how marketers can meet this recommendation given that smartphone screens present a very limited space upon which consumers can view a brand's message.

We also request the FTC consider when and where a disclosure should be placed within mobile

⁹ "Smartphones to Overtake Feature Phones in U.S. by 2011," *Nielsen Wire*, March 26, 2010. It is published at <http://bit.ly/b9MvdG>.

¹⁰ "comScore Reports March 2011 U.S. Mobile Subscriber Market Share," *comScore.com*, May 6, 2011. It is published at <http://bit.ly/1ldTrC>.

communications and marketing so that a business' marketing efforts do not become overly cumbersome by the need to include a disclosure in a space that may not be natural to those reading it on a smartphone, or is limited due to space constraints. The innovation that will help generate \$3.3 billion in mobile advertising revenue in 2011¹¹, more than double the industry's 2010 revenue figures, has been possible because marketers have experimented in ways that may not have been possible had regulation been implemented sooner. We recognize that communicators and marketers must act responsibly when communicating in this evolving medium. We believe that with prudent and relevant revised Guidelines, our members and the public relations profession will ably and earnestly meet this responsibility.

VI. General Disclosure Issues

As the world's largest professional organization of public relations and communications professionals, PRSA spends a great deal of time advising and educating our members on proper and ethical disclosure standards in traditional, digital and social-media communications and marketing. The core of our advisement comes from PRSA's Member Code of Ethics, which has as one of its primary tenets the advancement and protection of the free flow of accurate and truthful information that is essential to serving the public interest and contributing to informed decision making in a democratic society.

We also issue periodic updates to the PRSA Code of Ethics, based on evolving technology and changing social and professional mores. Among those was our 2008 update focused on deceptive online practices and misrepresentation of organizations online. With the perspective we have gained from this background, we offer the following suggestions for FTC staff to consider when revising the guidance document:

A. Character and Text Limitations

The proliferation of social media, mobile computing and new technologies has produced dozens, if not hundreds, of new communications and marketing channels. Each has its own unique communication style, cadence and limitations. Chief among those is Twitter. The 140-character limit of Twitter messages has been a boon to creative and succinct marketing communications, but it has introduced unique challenges for communicators and marketers wishing to express their brands' full messaging while also staying within FTC guidelines for disclosure.

Because of this, numerous services, such as TwitLonger, have sprouted up to allow for more detailed communications across Twitter. However, we have observed some recurring scenarios for which we think additional staff guidance would be beneficial for businesses.

First, if a disclosure cannot be made within the original messaging because of space limitations, marketers may refer consumers to a disclosure found on a subsequent longer form of the original communications, such as a brand Facebook page, company blog or via a third-party app, such as TwitLonger and Deck.ly. This would allow individuals and businesses to disseminate Twitter messages longer than 140 characters, through which a disclosure link could be prominently placed.

The latter example presents some obvious challenges. We ask the FTC to clarify the following potential issues we believe could cause marketers to run afoul of any guidelines:

- Must a link to the disclosure come within the original message or is it acceptable for that link to be placed in the long-form message, so long as the consumer is able to access the full disclosure?
- Should marketers allow character space for consumers to include the disclosure link within

¹¹ "Mobile Advertising Revenue to Double This Year on Back of Improved ROI: Gartner," *Mobile Marketer*, June 17, 2011. It is published at <http://bit.ly/jmOr1z>

retweeted messages?

- What is the Commission's advice on modified Tweets, in which a consumer can place an "MT" symbol in front of a business' Tweet (perfectly acceptable according to established Twitter user norms), and thus, slightly modify its messaging and/or remove a company's digital disclosure link.

Second, the original "Dot Com Disclosures" do not address how to convey required disclosure information when character or space limitations restrict how much messaging marketers can present to consumers. The original Guidelines recommend that links to disclosure pages should take consumers directly to the disclosure. However, given that many brand messages within social media are frequently altered by consumers upon redistribution of a business' messaging across their personal social networks, which may remove or modify the disclosure link and/or disclosure messaging, we request that the Commission provide clear guidance on where, when and how disclosure links should be displayed.

B. Point of Purchase

The original Dot Com Disclosure document says all online brand disclosures must be communicated before the point of purchase. However, most disclosures appear on the initial screen before selecting products to purchase. Therefore, a consumer may have multiple products with various disclosures, but are only able to view these disclaimers and disclosures once. Regardless of the pathway, online disclosures should be communicated repeatedly before the point of purchase, for all products. Furthermore, we suggest the Commission consider including a recommendation that all disclosures accumulate on the purchase page for one final review by the customer before any transaction.

C. Frequency of Disclosures

The frequency of disclosure within social media communications is another area we believe needs modification and revision. In the old Guidelines, it was assumed that consumers were coming directly to a company Web page, through search or other means, or were viewing an online ad. However, in today's socially-connected media environment, consumers are often passive viewers of brand ads and messaging. We believe this presents a significant challenge to the ethical communicator and marketer. Specifically, we suggest the FTC provide guidance on how often disclosure must be made in social-media messaging, given that it is rare a consumer will directly seek out a company's Twitter feed or Facebook page. Instead, consumers frequently see this content in passing, or while searching for other content.

D. Drawing Appropriate Attention to Disclosures

We also recommend the Commission provide guidance on how marketers can and should draw attention to their disclosures. Again, given the velocity of social-media communications, as well as the sheer number of marketing messages disseminated by brands across a variety of digital communications channels and social networks, we believe it is becoming increasingly difficult for marketers to ensure their disclosures are seen and that the intent and purpose are absorbed by consumers. We ask the staff to provide specific examples of how marketers can develop online content and social-media messaging that clearly draws attention to the disclosure.

E. Consumer Modification of Online Brand Messaging

As we noted above, it is not uncommon for consumers to modify a business' digital messaging and social-media communications, particularly when engaging with a brand within social networks that restrict a user's character count (such as Twitter and Facebook).

Because of this, we believe it would be helpful for the Commission to address what responsibility, if any,

marketers have concerning how consumers modify and redistribute brands' messaging across social networks, given the issues we previously addressed. More concrete guidance and further examples from staff illustrating relevant situations that marketers may face in this regard, and how the Commission advises they meet specific disclosure guidelines, would be useful.

To that end, we recognize the Commission's challenge of trying to develop online disclosure recommendations that are both stringent in their purview and flexible enough to allow for continued innovation from marketers within digital and online advertising, marketing and communications.

F. Prominence

A core component of the original Dot Com Disclosure document is prominence, which addresses marketer's responsibility to draw attention to required disclosures. PRSA commends the Commission for the foresight it displayed in placing this tenet within the original documents. It is one we believe is essential to ensuring ethical and transparent marketing communications are present online and that consumers' best interests are kept intact.

We firmly believe that public relations and communications professionals act responsibly when using social networks in which they are disseminating messaging that requires a relevant disclosure. However, they face realistic limits due to certain character limitations and other realities within digital and social media marketing that imperil their ability to prominently and clearly display a disclosure.

The original staff document — having been written in 2000 when a majority of online advertising was found on a computer screen and did not come in the form of mobile marketing, and most certainly not within social networks and other digital mediums — is lacking in scope to appropriately address the many issues and challenges marketers and communicators face in the digital age when it comes to marketing within multiple screens while still aiming to meet the FTC's digital disclosure guidelines.

We noted that the original Guidelines only address physical online ads (e.g., display ads, banners, etc.). Given the prevalence of these ad forms at the time, this made sense. However, with the proliferation of social media and social networks, the recommendation, for example, that "size matters," or that "color counts," while certainly still relevant for display and banner ads, has little to no bearing or relevance with social media marketing and communications.

A specific component of the staff's original "Prominence" guidance that we would like to bring to the Commission's attention is that of "burying" a disclosure. The original disclosure guidelines noted that "a disclosure that is buried in a long paragraph of unrelated text would not be effective." We wholeheartedly agree; however, we have concerns that the FTC's guidance does not address the numerous digital communications and social media channels that frequently require very brief messaging from brands, thus, potentially causing a business to innocuously bury a disclosure.

The original staff disclosure document provides only a brief overview of the need for not burying disclosures. We suggest that staff broaden the "Prominence" tenet to provide guidance for social-media messaging and marketing and other forms of digital communications.

G. Labeling of Hyperlinks

The prevalence of URL shorteners and the many custom-branded URL shorteners that media outlets, companies and even consumers now use has given rise to a hodgepodge of link identifiers. Whereas links once had a distinctive nomenclature and labeling (e.g., www.PRSA.org, www.nytimes.com, www.ftc.gov) that clearly delineated their meaning and origin, modern hyperlink usage by consumers and businesses has taken on an entirely new form, largely predicated by truncated communications that have

developed to fit within character and space limitations of mobile communications, social networks and society's general predilection toward succinct communications.

We note that the original Dot Com Disclosures document discusses "label[ing] the [disclosure] hyperlink appropriately to convey the importance, nature and relevant of the information it leads to." This is a noble request, but in modern marketing usage, it has little relevance. Given the fleeting nature of the torrent of marketing communications that consumers are now subjected to, we suggest the Commission consider more flexible ways in which businesses can ensure the labeling of their hyperlinks is clear but takes into account the realities of marketing and communicating to consumers within certain character and space limitations.

VII. Conclusion

The Public Relations Society of America thanks the FTC for its foresight in recognizing that the significant technological innovations and change that has occurred in recent years has necessitated updated guidance to businesses and marketers on how best to apply FTC advertising guidelines to online activities. We suggest that the FTC continue to pursue and provide more specific recommendations for marketers¹², especially as they seek to use more nuanced marketing communications channels. We also suggest that the FTC commence a public workshop to further explore the topic, and we look forward to continuing our engagement with Commission staff on these important issues.

¹² Although not directly related to the issues presented in the request for comments surrounding "Dot Com Disclosures," we suggest that FTC staff consider providing marketers and businesses with guidance on two other important and related issues: (1) whether the act of a business 'Liking' or retweeting another business' page or post on Facebook and/or Twitter constitutes an endorsement by that business for the other business' products or services and/or constitutes advertising by that business on behalf of the other company; and (2) whether disclosures under the Endorsement Guides are needed when a business retweets another tweet (i.e., whether the act of retweeting constitutes an endorsement).

APPENDIX ONE

PRSA Member Code of Ethics

Preamble

Public Relations Society of America Member Code of Ethics 2000

- Professional Values
- Principles of Conduct
- Commitment and Compliance

This Code applies to PRSA members. The Code is designed to be a useful guide for PRSA members as they carry out their ethical responsibilities. This document is designed to anticipate and accommodate, by precedent, ethical challenges that may arise. The scenarios outlined in the Code provision are actual examples of misconduct. More will be added as experience with the Code occurs.

The Public Relations Society of America (PRSA) is committed to ethical practices. The level of public trust PRSA members seek, as we serve the public good, means we have taken on a special obligation to operate ethically.

The value of member reputation depends upon the ethical conduct of everyone affiliated with the Public Relations Society of America. Each of us sets an example for each other — as well as other professionals — by our pursuit of excellence with powerful standards of performance, professionalism, and ethical conduct.

Emphasis on enforcement of the Code has been eliminated. But, the PRSA Board of Directors retains the right to bar from membership or expel from the Society any individual who has been or is sanctioned by a government agency or convicted in a court of law of an action that is in violation of this Code.

Ethical practice is the most important obligation of a PRSA member. We view the Member Code of Ethics as a model for other professions, organizations, and professionals.

PRSA Member Statement of Professional Values

This statement presents the core values of PRSA members and, more broadly, of the public relations profession. These values provide the foundation for the Member Code of Ethics and set the industry standard for the professional practice of public relations. These values are the fundamental beliefs that guide our behaviors and decision-making process. We believe our professional values are vital to the integrity of the profession as a whole.

ADVOCACY

We serve the public interest by acting as responsible advocates for those we represent. We provide a voice in the marketplace of ideas, facts, and viewpoints to aid informed public debate.

HONESTY

We adhere to the highest standards of accuracy and truth in advancing the interests of those we represent and in communicating with the public.

EXPERTISE

We acquire and responsibly use specialized knowledge and experience. We advance the profession through continued professional development, research, and education. We build mutual understanding, credibility, and relationships among a wide array of institutions and audiences.

INDEPENDENCE

We provide objective counsel to those we represent. We are accountable for our actions.

LOYALTY

We are faithful to those we represent, while honoring our obligation to serve the public interest.

FAIRNESS

We deal fairly with clients, employers, competitors, peers, vendors, the media, and the general public. We respect all opinions and support the right of free expression.

PRSA Code Provisions

FREE FLOW OF INFORMATION

Core Principle

Protecting and advancing the free flow of accurate and truthful information is essential to serving the public interest and contributing to informed decision making in a democratic society.

Intent

- To maintain the integrity of relationships with the media, government officials, and the public.
- To aid informed decision-making.

Guidelines

A member shall:

- Preserve the integrity of the process of communication.
- Be honest and accurate in all communications.
- Act promptly to correct erroneous communications for which the practitioner is responsible.
- Preserve the free flow of unprejudiced information when giving or receiving gifts by ensuring that gifts are nominal, legal, and infrequent.

Examples of Improper Conduct under this Provision:

- A member representing a ski manufacturer gives a pair of expensive racing skis to a sports magazine columnist, to influence the columnist to write favorable articles about the product.
- A member entertains a government official beyond legal limits and/or in violation of government reporting requirements.

COMPETITION

Core Principle

Promoting healthy and fair competition among professionals preserves an ethical climate while fostering a robust business environment.

Intent

- To promote respect and fair competition among public relations professionals.
- To serve the public interest by providing the widest choice of practitioner options.

Guidelines

A member shall:

- Follow ethical hiring practices designed to respect free and open competition without deliberately undermining a competitor.
- Preserve intellectual property rights in the marketplace.

Examples of Improper Conduct under This Provision:

- A member employed by "client organization" shares helpful information with a counseling firm that is competing with others for the organization's business.
- A member spreads malicious and unfounded rumors about a competitor in order to alienate the competitor's clients and employees in a ploy to recruit people and business.

DISCLOSURE OF INFORMATION

Core Principle

Open communication fosters informed decision making in a democratic society.

Intent

- To build trust with the public by revealing all information needed for responsible decision making.

Guidelines

A member shall:

- Be honest and accurate in all communications.

- Act promptly to correct erroneous communications for which the member is responsible.
- Investigate the truthfulness and accuracy of information released on behalf of those represented.
- Reveal the sponsors for causes and interests represented.
- Disclose financial interest (such as stock ownership) in a client's organization.
- Avoid deceptive practices.

Examples of Improper Conduct under this Provision:

- Front groups: A member implements "grass roots" campaigns or letter-writing campaigns to legislators on behalf of undisclosed interest groups.
- Lying by omission: A practitioner for a corporation knowingly fails to release financial information, giving a misleading impression of the corporation's performance.
- A member discovers inaccurate information disseminated via a Web site or media kit and does not correct the information.
- A member deceives the public by employing people to pose as volunteers to speak at public hearings and participate in "grass roots" campaigns.

SAFEGUARDING CONFIDENCES

Core Principle

Client trust requires appropriate protection of confidential and private information.

Intent

- To protect the privacy rights of clients, organizations, and individuals by safeguarding confidential information.

Guidelines

A member shall:

- Safeguard the confidences and privacy rights of present, former, and prospective clients and employees.
- Protect privileged, confidential, or insider information gained from a client or organization.
- Immediately advise an appropriate authority if a member discovers that confidential information is being divulged by an employee of a client company or organization.

Examples of Improper Conduct under This Provision:

- A member changes jobs, takes confidential information, and uses that information in the new position to the detriment of the former employer.
- A member intentionally leaks proprietary information to the detriment of some other party.

CONFLICTS OF INTEREST

Core Principle

Avoiding real, potential or perceived conflicts of interest builds the trust of clients, employers, and the publics.

Intent

- To earn trust and mutual respect with clients or employers.
- To build trust with the public by avoiding or ending situations that put one's personal or professional interests in conflict with society's interests.

Guidelines

A member shall:

- Act in the best interests of the client or employer, even subordinating the member's personal interests.
- Avoid actions and circumstances that may appear to compromise good business judgment or create a conflict between personal and professional interests.
- Disclose promptly any existing or potential conflict of interest to affected clients or organizations.
- Encourage clients and customers to determine if a conflict exists after notifying all affected parties.

Examples of Improper Conduct under This Provision

- The member fails to disclose that he or she has a strong financial interest in a client's chief competitor.
- The member represents a "competitor company" or a "conflicting interest" without informing a prospective client.

ENHANCING THE PROFESSION

Core Principle

Public relations professionals work constantly to strengthen the public's trust in the profession.

Intent

- To build respect and credibility with the public for the profession of public relations.
- To improve, adapt and expand professional practices.

Guidelines A member shall:

- Acknowledge that there is an obligation to protect and enhance the profession.
- Keep informed and educated about practices in the profession to ensure ethical conduct.
- Actively pursue personal professional development.
- Decline representation of clients or organizations that urge or require actions contrary to this Code.

- Accurately define what public relations activities can accomplish.
- Counsel subordinates in proper ethical decision making.
- Require that subordinates adhere to the ethical requirements of the Code.
- Report ethical violations, whether committed by PRSA members or not, to the appropriate authority.

Examples of Improper Conduct under This Provision:

- A PRSA member declares publicly that a product the client sells is safe, without disclosing evidence to the contrary.
- A member initially assigns some questionable client work to a non-member practitioner to avoid the ethical obligation of PRSA membership.

PRSA Member Code of Ethics Pledge

I pledge:

To conduct myself professionally, with truth, accuracy, fairness, and responsibility to the public; To improve my individual competence and advance the knowledge and proficiency of the profession through continuing research and education; And to adhere to the articles of the Member Code of Ethics 2000 for the practice of public relations as adopted by the governing Assembly of the Public Relations Society of America.

I understand and accept that there is a consequence for misconduct, up to and including membership revocation.

And, I understand that those who have been or are sanctioned by a government agency or convicted in a court of law of an action that is in violation of this Code may be barred from membership or expelled from the Society.

Signature

Date

APPENDIX TWO

Professional Standards Advisory PS-8 (October 2008) — Deceptive Online Practices and Misrepresentation of Organizations and Individuals

TO: Members of the Public Relations Society of America

FROM: PRSA Board of Directors — PRSA Board of Ethics and Professional Standards

RE: Professional Standards Advisory PS-8 (October 2008) — Deceptive Online Practices and Misrepresentation of Organizations and Individuals

All PRSA members pledge adherence to the Society's Member Code of Ethics. As issues arise relating to the practice of public relations, the Board of Ethics and Professional Standards (BEPS) is charged with providing guidance on such issues within the framework of the Code provisions. The PRSA Board of Directors then announces these guidelines through this series of professional standards advisories. The PRSA Member Code of Ethics may be found online at www.prsa.org.

ISSUE: Misrepresentation by organizations and individuals using blogs, viral marketing, and anonymous Internet postings with undisclosed sponsorships and/or deceptive or misleading identities or descriptions of goals, causes, tactics, sponsors or participants. (Note: The term "Flog" has been coined to describe a "fake blog," where an organization or its representative creates an online forum that appears to be from a private citizen expressing personal opinion or experiences, when, in fact, it is being maintained for hire with an undisclosed agenda.)

BACKGROUND: A number of Web sites and deceptive social networking postings have surfaced on behalf of issues, candidates running for public office and products blindly sponsored by individuals, industries and organizations. PRSA members are reminded that open communication is essential for informed decision-making in a democratic society.

RELEVANT SECTIONS OF THE PRSA CODE: At least three Code provisions and three professional values relate to this issue. They are:

Code Provisions

- **Free Flow of Information.** Protecting and advancing the free flow of accurate and truthful information is essential to serving the public interest and contributing to informed decision making in a democratic society.
- **Disclosure of Information.** This provisions states that a member shall be honest and accurate in all communication. Act promptly to correct erroneous communication for which the member is responsible. Investigate the truthfulness and accuracy of information released on behalf of those represented. Reveal the sponsors for causes and interests represented. Disclose financial interest such as stock ownership of the client organization, past client work or affiliation. Avoid deceptive practices. And disclose or help expose deceptive practices where possible
- **Conflicts of Interest.** Avoiding real, potential or perceived conflicts of interest builds the trust of clients, employers and the publics.
- **Enhancing the Profession.** Public relations professionals work constantly to strengthen the public's trust in the profession. Investigate the truthfulness and accuracy of information released on behalf of those represented.

Professional Values

- **Honesty.** We adhere to the highest standards of accuracy and truth in advancing the interests of those we represent and in communicating with the public.
- **Fairness.** We deal fairly with clients, employers, competitors, peers, vendors, the media and the general public.
- **Advocacy.** We serve the public interest by acting as responsible advocates for those we represent. We provide a voice in the marketplace of ideas, facts and viewpoints to aid informed public debate.

EXAMPLES OF IMPROPER PRACTICES

- The CEO of a company poses as a stock analyst and makes glowing remarks about her company's performance on a popular financial blog and recommends the stock.
- An agency creates a fake identity and uses the identity to post favorable comments about a client's social responsibility activities on a number of blogs and social networking sites.
- A member of a political candidate's staff disguises his identity and posts negative comments about the opposing candidate on a number of political blog sites.
- A public relations executive at a corporation wants to obtain the phone and text records for a public relations assistant who she suspects of leaking information to the media, so she pretends to be that person wanting to check her bill and requests a summary of her calls from her cell phone provider.
- An agency representative impersonates a client's online critic and posts favorable comments on a blog.
- A political campaign staffer sets up some Web pages on a popular social networking site that look like they were created by the opponent, and the pages misrepresent the opponent's position on a number of issues and make inflammatory statements about other candidates.
- A competitor's staff intentionally enters incorrect or misleading information about their own products or their competitor's product on a popular on-line encyclopedia.
- A public relations firm is hired to post favorable comments on Wikipedia about a number of clients. She poses as a neutral, third-party to post the comments.
- A public relations practitioner, to curry favor with a reporter, allows access to a client's private text conversations, email and pre-release web/blog comments.

RECOMMENDED BEST PRACTICE: The use of deceptive identities or misleading descriptions of goals, causes, tactics, sponsors or participants to further the objectives of any group constitutes improper conduct under the PRSA

Member Code of Ethics and should be avoided. PRSA members should not engage in or encourage the practice of misrepresenting organizations and individuals through the use of blogs, viral marketing, social media and/or anonymous Internet postings.

PRINCIPAL BEPS AUTHOR: Pat Whalen, APR

October 2008

Published at: <http://bit.ly/nqLj5s>

APPENDIX THREE

PRSA commentary for Word of Mouth Marketing Association (WOMMA)'s 2010 Ethics Code Review
(submitted: Jan. 5, 2011)

PRSA Commentary — WOMMA 2010 Ethics Guide Review

Contests:

Disclosure of relationships, motivation, compensation and other pertinent factors should be the basis of all forms of marketing and communications, including emerging practices like social media and online contests. Ethical marketing and communications require that marketers reasonably inform consumers of the motivations and intent of use behind the messaging they receive throughout the process, no matter the medium used.

There needs to be disclosure — by the marketer and by the person engaged in that contest — within every single message, blog post, tweet, etc. mentioning the contest. The breadth of social networks and how far they reach means that marketers now capture consumers' interests at different times and through different lenses.

Where practical, social media contests should provide a link to a clear and simple Web page noting all of the uses for the contest, the information submitted as part of the contest and to whom that information will be given to and for what purposes.

A simple feature that would allow for all messaging and communications within a social media contest to contain the necessary disclosure, and within space/character limitations, can be found in a free service like CMP.ly, which provides a tiny URL link back to a comprehensive disclosure page relevant to that specific contest.

Material Connection within Contests:

A material connection does exist between a brand and a blogger (or any participant) when the blogger writes about and/or discusses his or her contest entry in any format (blog, Tweet, Facebook, LinkedIn, etc.). This is particularly true if the participant is trying to obtain some type of personal or professional benefit from the contest and/or from his/her promotion of that contest.

Rosanna Fiske, APR

Chair and CEO

Public Relations Society of America (PRSA)

Published at: <http://bit.ly/gjIGQw>

APPENDIX FOUR

Raising Disclosure's Digital Profile

MediaPost

By Rosanna M. Fiske, APR, PRSA Chair and CEO

Published: Jan. 14, 2011

Buzzwords abound in the marketing, public relations and advertising industries. Phrases like "convergence," "cord-cutting" and "engagement" quickly come to mind. Each captured our attentions, invaded our Twitter streams and just as often, was trite from the moment it was first uttered.

But one crucial word has often been missing: disclosure.

To earn the public's trust, it's crucial that we provide transparency and truth regarding the motivating factors of online marketing and social media campaigns, who's running the show and what information is being collected. Unfortunately, this key word, which is becoming increasingly relevant to the public and to government regulators, is often absent from the industry's trending topics.

If disclosure isn't on your list of words to tweet, blog or chat about this year, it needs to be because it's primed to be the next big thing in online marketing and communications. We just may not realize it until it's too late.

That's because at this very moment -- and for perpetuity -- we have a responsibility to better self-regulate our practices and ensure consumers are getting the full picture every time they interact online with our brands.

To be sure, efforts are already underway to raise the profile and importance of disclosure in online marketing. Last November, the Word of Mouth Marketing Association (WOMMA) examined as part of its annual ethics code review a key question concerning the level of disclosure within social media contests.

As chair and CEO of the Public Relations Society of America, I submitted commentary to WOMMA, which noted: "Disclosure of relationships, motivation, compensation and other pertinent factors should be the basis of all forms of marketing and communications, including emerging practices like social media and online contests."

Not exactly a Twitter-friendly comment, but a vital point for marketers to consider as they aim to improve relationships with consumers, while ensuring the public is fully informed.

WOMMA's effort to help digital marketers navigate the often confusing precepts of digital disclosure is commendable. So is the discussion that took place around its review process and any ensuing provisions adopted by the association.

A snapshot of recent online marketing mishaps more clearly illustrates the value of greater disclosure in online marketing practices:

From cheating allegations in the Pepsi Refresh campaign to concerns over data scraping within online message boards to the Federal Trade Commission's calls for companies to voluntarily let consumers opt-out from having their browsing data collected by Web marketers, a view from the outside would likely

show a profession that is incredibly innovative, but struggling to convince people that it has their best interests in mind.

It doesn't have to be this way. We can and should do more to help the public understand the value of the information they provide when interacting online with our brands. But we must be willing to give them the peace of mind they desire and already receive in many offline marketing practices.

With the FTC taking an increasingly refined look into digital marketing and advertising practices, it behooves all communicators to be on top of this now, before government regulators begin to crack down - even more so than they already have.

Disclosure within digital marketing and social media has always been fraught with technical challenges, concerns over best practices and standards and a bevy of other legitimate (and sometimes, not so legitimate) concerns. One area that should engender unilateral agreement among marketers, however, is that now is the time for better self-regulation and a higher degree of disclosure.

In order to keep consumers coming back for more, and to reap the rewards without stringent regulatory oversight, we must adopt a far more sophisticated and responsible approach to disclosure.

Published at: <http://bit.ly/r3SSLE>

APPENDIX FIVE

PRSA letter to the editor of *The New York Times* re increasing digital disclosure awareness and transparency among businesses victimized by cyberattacks (July 5, 2011)

The New York Times

Letter: Enhancing Online Security

Published: July 5, 2011

To the Editor:

"The Cloud Darkens" (editorial, June 30) rightly advocates for increasing online security, but doesn't mention a key component missing from most proposals to thwart cyberattacks: increased disclosure from hacked companies regarding the impact on customer data.

The revelation that the online document-storage service Dropbox tried to hide a glitch in its network that allowed any user to log into any account is but one of several examples of companies failing to adequately disclose vital information about customer data, how it is being used and what steps are being taken to mitigate the effects of cyberattacks.

The need for greater disclosure is clear: cyberattacks represent one of the greatest challenges facing modern businesses and are costly to economies and society alike. According to a 2004 report by the Congressional Research Service, targeted companies suffer an average loss in stock market valuation of between \$50 million and \$200 million, with total consumer and business losses estimated at more than \$200 billion a year.

We may never be able to eradicate the pernicious effects of cyberattacks. But we can ensure that the public is not victimized twice, by pushing for more timely and transparent disclosure from affected companies. Anything less allows the hackers to win, while the public continues to lose.

ROSANNA M. FISKE
Chairwoman and Chief Executive
Public Relations Society of America
New York, June 30, 2011

Published at: <http://nyti.ms/n7Bbh5>

APPENDIX SIX

U.S. and U.K. Must Maintain Professional Standards When Using New Technologies

PRMoment.com

By Rosanna M. Fiske, APR, PRSA Chair and CEO

Published: Feb. 1, 2011

The US and the UK must ensure we maintain professional standards when using new technologies says PRSA's chief executive Rosanna Fiske.

One wouldn't have necessarily thought this the case, but America's and the UK's "special relationship" apparently extends to how our respective governments regulate commercial speech among bloggers and marketers.

For the uninitiated (and this may include American readers), the UK's Office of Fair Trade (OFT) launched last December its "Handpicked Media" investigation in an effort to uncover the level of engagement of "handpicked media" of bloggers on a commercial basis. In essence, it's a form of the United States Federal Trade Commission's 2009 ruling of similar note, otherwise known as the "FTC blogger rules."

The details of the OFT's investigation and the implications it may have on the UK public relations and marketing industries have been thoroughly deliberated. I thought it might be useful, however, to provide a perspective from America on where public relations stands. More specifically, the work many professionals, including my colleagues at the Public Relations Society of America (PRSA), are currently undertaking to implement stronger ethical standards within emerging public relations and marketing practices.

The global public relations profession has had its ups and downs, no doubt. But one common thread that has held our work together for generations, and helped us increase our value to businesses and the public, has been our commitment to upholding ethical standards and best practices. Similarly, our profession thrives on smartly utilising modern technologies, strategies and tactics to meet our clients' and organisations' goals.

Facebook. Twitter. Foursquare. Quora. The list of new technologies, channels and other dazzling, real-time communication vehicles goes on and on. But so do the ethical concerns each raises – if we're not prudent in our efforts to fully understand the implications of using new channels and technologies, and their benefits for clients and for serving the public good.

That isn't to say we should delay our adoption or use of new technologies. Absolutely not.

But it does mean we have a responsibility to ensure the same stringent ethical standards and best practices guiding our traditional services are infused in work that engages new technologies and techniques.

A fascinating article in the January/February issue of the Columbia Journalism Review brought this into perspective for me. Author Paul Niwa's juxtaposition of journalist and author Jacob Riis' experimentation in visual storytelling with the entrepreneurial spirit this might engender in 21st-century journalists, provides an enlightening analysis of the technological challenges and opportunities that have greeted journalists for centuries. Niwa notes that Riis was fascinated by the new medium of photojournalism, yet employed caution when using what at the time was a new tool.

Caution isn't always bad; in fact, it can give us invaluable time to reflect on our goals and objectives. But at a certain point, we must progress. That evolution should include a modernisation of ethical standards and best practices in order to meet today's pressing business and societal concerns.

While we may not be measured by our proficiency with technology, the collective work of public relations professionals will most certainly be examined by how well we uphold our responsibility to the public and the business community to communicate in a responsible and ethical manner, no matter the medium or technology we employ.

Rosanna Fiske, APR, is chair and chief executive officer of the Public Relations Society of America (PRSA). She is also program director of the Global Strategic Communications master's program in the School of Journalism and Mass Communication at Florida International University in Miami.

Published at: <http://bit.ly/gS2AnW>

APPENDIX SEVEN

PRSA letter to the editor of *Technology Review* re WikiLeaks' impact on transparent corporate communications (May/June 2011)



Letters and Comments: The Role of WikiLeaks

Published: May/June 2011

Thank you for your truly spot-on column examining the impact of WikiLeaks on society's concept of secrecy and transparency ("Is WikiLeaks a Good Thing?" March/April 2011). Like you, I often find myself conflicted about the value of WikiLeaks. I tend to eschew overt calls for full disclosure from organizations — whether by government leaders, executives, or individuals pushing a cause—because my first inclination is to uphold the right to privacy.

However, instances in the past year throughout the global business community have begun to change my mind. And as the associate director of public relations for the Public Relations Society of America, I am committed to transparency and disclosure in all forms of communication to advance the free flow of accurate and truthful information, which is vital to democratic societies.

While WikiLeaks may take corporate transparency too far for some, numerous surveys have revealed that trust in American businesses and government is terribly low. Perhaps it is time to look past the potentially sinister goals of Julian Assange and WikiLeaks and develop a more earnest commitment to withholding only information that truly deserves secrecy.

Keith Trivitt
Associate Director of Public Relations
Public Relations Society of America
New York

Published at: <http://bit.ly/fowSCf>

APPENDIX EIGHT

Digital Disclosure — Modern Challenges for Modern Marketers

All Things WOM

By Rosanna M. Fiske, APR, PRSA Chair and CEO

Published: Jan. 25, 2011

The past five years have been a remarkable time for marketers, communicators and public relations professionals. Twitter, podcasts, blogs, Facebook, et al. (Quora, anyone?) have infused a new and refreshing vibrancy into our respective professions, making them more relevant to consumers and the public, and equally valuable to the business community.

But that increased value comes with greater responsibility. More specifically, a responsibility to ensure that the same ethical standards and best practices developed by WOMMA and PRSA, which are widely regarded as the benchmarks for their respective professions, are instilled in today's emerging marketing practices.

Unfortunately, many times, those ethical benchmarks are missing, or loosely applied, across the digital side of the marketing and public relations spectrum. And that's a shame because we have the resources, collective intelligence and call-to-action from the public, business community and government regulators to do so much more.

That is one of the reasons why PRSA has advocated for strong ethical standards across all marketing disciplines for more than 60 years. Like WOMMA, we understand and respect the value that ethical communications and marketing have toward serving the public good and helping businesses prosper.

But we also understand the time and resource constraints placed on modern communicators. We're in an era where incorporating such norms as disclosure isn't necessarily in "vogue." It's a time of rapid-fire online engagement between brands and consumers, where greater emphasis is often given to reaching the biggest influencers, rather than how well you connect with and inform your core audiences.

That leaves the ethical marketer stuck in the middle between aiming high with disclosure and other ethical standards, but possibly feeling constrained by time, resources and client pressures. Not to mention the increasingly abbreviated space available to actually provide proper disclosure. (Hello, 140 characters! Actually, make that 120 characters, if you want to get retweeted ...)

The corollary is that trust between brands and consumers has been shaped in the eyes of numerous recent digital marketing mishaps. From cheating allegations in the Pepsi Refresh campaign to concerns over data scraping within online message boards to a less-than-receptive response from some online ad and marketing firms to the FTC's efforts to allow consumers to opt-out of having their browsing data tracked, a view from the outside would likely show a profession that is incredibly innovative, but struggling to convince consumers that it has their best interests in mind.

Not all is bleak, however. The 2010 Edelman Trust Barometer found that trust in businesses has stabilized and is trending upward, going from an all-time low of 36 percent in 2009 to 54 percent in 2010.

And out of the ashes of numerous recent corporate crises has arisen a greater understanding and respect among executives for the strategic value of ethical WOM and public relations. No longer seen as merely a series of "one-off" campaigns to build brand awareness and "buzz," these distinct disciplines now

comprise the pinnacle of a global movement toward developing and sustaining companies that are aligned with the goals and collective norms of a global society.

All of which makes 2011, I have to believe, the year when we finally find that happy middle ground between real-world marketing realities and instilling modern ethical standards for modern marketing practices.

Published at: <http://bit.ly/eS7ZSc>