

The Guides Concerning the Use of Endorsements and Testimonials in Advertising promulgated as a proposed rule by the Federal Trade Commission (FTC) stipulate to several restrictions upon advertisers, endorsers, and those giving testimonials. It is not to the testimonials that we object. Nor do we object to the regulations of endorsement and subsequent testimonials. The Commission is on the correct track but there is a need for more stringent regulations with respect to endorsements and creating new advertisement methods so that there are more safeguards in place for consumers.

Celebrity endorsements through advertisements and testimonials require specific attention. The Commission should pay more attention to the weight of celebrity endorsements and testimonials in the minds of the consumer. In a day and age where the consumer is in awe of god-like celebrities who are “beautiful,” “rich,” and “famous”, celebrity endorsements, whether true or false, resonate with consumers who crave to identify with their favorite star by using the same products that star endorses. The rule as stated does not contain specific rules concerning how to hold celebrities accountable in a manner consistent with others who give testimonials. Specific reference should be given to celebrities in the proposed regulation to expose the true nature of testimonials. Celebrity pay should be disclosed to inform a disillusioned consumer and protect them from blindly putting faith in a celebrity endorsement.

Furthermore, the proposed rule should also elucidate more upon the advent of new advertised methods. The Commission concerns itself explicitly with regulating television advertisement endorsements and testimonials but does not see fit to touch upon new advertisement methods such as the internet advertisement. With the advent of the world wide

web internet advertisements and testimonials have become increasingly popular.

Unsubstantiated claims and “miracle in a bottle” fad diet pills and supplements are the norm for internet pop ups and email spam. The proposed rule does not bring mention of these internet advertisements and their affect on the consumer. The Commission’s neglect in refusing to articulate a posture on internet advertisements is inexcusable.

Additionally, the Commission needs to set out a standard that sets forth rules for clear and conspicuous disclosure that advertisers and endorsers must clearly abide by. The Commission is on the right track but there is still a need to increase safeguards for consumers. Accountability, responsibility, and transparency are specifically needed for companies who advertise using testimonials. Minimized flashing signs that quickly read “results not typical” and “results may vary” are not adequate to inform consumers of the dangers of advertised testimonials. Consumers need clear disclosure of inadequacies of products that come at a time in the advertisements that is both obvious and informative of the issues concerned with advertised testimonials. Fast talking warnings and minimized disclosures should not be allowed. The proposed rule should include a clearer plan for informing consumers of the dangers of some advertised testimonials.

Lastly, it is the purpose of this guide to speak to the enforcement of rules that protect the consumer from faulty advertisement testimonials that may be misleading. The main thrust is to curb deceptive advertisements and rightfully punish those who engage in such. Overall the guide must reiterate the dangers of false advertising. In addition the guide must also emphasize the Commission’s commitment to finding those not in compliance in order to increase consumer confidence.

The main goal of the Guide should be consumer protection from false advertising. However, there is an additional benefit in that those who advertise are also protected from law suits regarding false advertisements because of increased regulation standards.

The Guide in its entirety does a good job of posturing the need for increased regulation. What we hope to maintain in our comment is the need for closer inspection and disclosure of celebrity endorsements, more rigorous control of new internet advertisement methods, and setting forth obvious and unmistakable warnings concerning insufficiencies in advertisement products.

We ask that the Commission take these points into account when considering our comment.